

PLANNING BOARD MEETING MINUTES

January 10, 2023

- 1. ROLL CALL:** Evan Cyr, Riley Bergeron, Amanda Guerette*, Stacey LeBlanc, Timothy DeRoche, Darren Finnegan, David Trask and Paul Jacques.
* = elevated to full member for this meeting
Absent: Toni Ferraro
- 2. MINUTES:** David Trask mentions a name left off notes during Public Comment, Add Marcy Hutchinson
Motion to approve amended minutes made by Paul Jacques and seconded by Riley Bergeron **VOTE:** 7-0-0 Motion passes.
- 3. PUBLIC HEARING/ MAP AMENDMENT:** *Petition to amend the areas outside the Lake Auburn watershed: 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2— Amendment to the Zoning Ordinance or Zoning Map.*

Evan Cyr clarified this agenda item is being presented as a new item, previous discussion of this agenda item should not be considered.

Staff Report presented by Katherine Cook

David Trask asks if the change in zoning would impact assessing.

Staff clarifies that mathematically 1 residential unit per .50 acre would compute to approximately 60 units however there are environmental constraints that would allow for less than 60 units.

No questions from Planning Board for the Petitioner and owner of the property.

Motion to open Public Comment made by Riley Bergeron and seconded by Paul Jacques
VOTE: 7-0-0 Motion passes.

Stephen Beal of 575 Johnson Rd: Brings up watershed concerns. Discusses Topographical map and the slopes. Utilized assistance from another member of the public to adjust the map to show slopes and elevation. Speaks opposed to this change.

Pam Rousseau of 745 West Auburn Rd shares her history and education with maps, she helped Mr. Beal with the map he referenced in his comments. Ms. Rousseau encourages Planning Board members to drive to the area and look at the slopes in person.

Razel Ward of 1372 North River Rd points out concerns for storm water drainage.

Lisa Bisson of 199 Andrew Drive presents a petition signed by 41 members of the East Auburn community, shows a map to display where these 41 members reside. Expresses concern about traffic and public safety.

Ryan Smith of 14 Weaver St shares concerns of what could potentially be developed if change occurs.

Jeff Harmon of Vista Drive shares concerns about previous discussions that happened without public input.

John Cleveland of 183 Davis Ave shares his background of doing consulting for Planning & Comprehensive Plan for smaller communities, speaks opposed to this change.

Motion to close Public Comment

Evan Cyr asks Staff if there could potentially be a clustered subdivision.
Staff: Yes

Stacey LeBlanc confirms the petition received tonight holds no impact for tonight's meeting.
Staff highlights, the petition need approval, review, and verification of signatures.

Discussion continues amongst Staff and Planning Board Members, highlighting mathematical numbers VS geographical limitations.

Riley Bergeron attempts to make a motion however he is opposed to both options suggested by staff.

Debated amongst Planning Board Members

Stacey LeBlanc makes a motion to recommend amending 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in figure 1.

Seconded by Paul Jacques

VOTE: 5-2-0 Motion carries

- 4. WORKSHOP/ RESOLVE 06-09062022/ ORDER 151-11072022: Proposal: City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an**

ordinance text amendment as shown on the attached proposed text changes. This item is pursuant to Chapter 2 Sec. 2-471 Workshop or informational meetings.

Staff Report: Katherine Cook, shared matrix, reference to Comp Plan

Discussion of possible public input/ survey

5. WORKSHOP/ CITY COUNCIL ORDINANCE 07-02072022: Discuss the moratorium on development proposals involving definitions around Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which one does not currently exist. This item is pursuant to Chapter 2 Sec. 2-471 Workshop or informational meetings.

Staff Report: John Blais

Discussion and explanation of current definitions and scenarios between Staff and Planning Board Members. Looked at the Matrix to see differences.

6. PUBLIC COMMENT:

Joe Gray of Sopers Mill Rd. speaks with confusion about what happens while public opinion is shared during meetings, feels members should listen to the opinions. Speaks about Comp Plan as a guide.

7. MISCELLANEOUS:

- a. Upcoming Agenda Items
 - i. Next month – Subdivision proposal
 - ii. AG Zone workshop
 - iii. Public Hearing for Public Safety Buildings
 - iv. Phase 2 Stable Ridge
 - v. Additional 21-unit development, not for February but soon, still under review.
 - vi. Election of Officers for the new Planning Board year.

8. ADJOURNMENT

Motion to adjourn made by David Trask and seconded by Stacey LeBlanc Vote 7-0-0
Motion passes, meeting adjourned.

PLANNING BOARD MEETING MINUTES

February 14, 2023

1. **ROLL CALL:** Riley Bergeron, Darren Finnegan, David Trask, Paul Jacques, Evan Cyr, Tim DeRoche, Stacey LeBlanc, Toni Ferraro, and Amanda Guerette.
2. **MINUTES:** Motion to approve January 10, 2023, meeting minutes made by David Trask and seconded by Toni Ferraro VOTE: 7-0-0 Motion passes minutes accepted.

Evan Cyr speaks to the length of the agenda, suggestion to table item #7 WORKSHOP/ RESOLVE 06-09062022/ ORDER 151-11072022. Riley Bergeron makes a motion to amend the agenda and table item #7 to a Special Meeting to be held on February 28, 2023, seconded by Stacey LeBlanc VOTE 7-0-0 Motion passes.

Katherine Cook, City Planner reports the applicant for agenda item #5 wishes to table this. Riley Bergeron makes a motion to amend the agenda and table item #5 until a date uncertain, seconded by David Trask VOTE 7-0-0 Motion passes.

3. **PUBLIC HEARING/ SITE PLAN REVIEW:** *American Development Group, LLC (ADG) is proposing Phase 2 of the Stable Ridge Apartments project at Parcel I.D. 229-007, 555 Court Street. This proposal includes five 12-unit apartment buildings with a total of 60 units and four garage structures. This proposal is pursuant to Chapter 60, Article XVI Division 2- Site Plan Review, Division 3 Special Exception, Division 4- Subdivision, Article IV Division 14- Form-Based Code and Maine Revised Statutes 30-A. 4402(6).*

Staff Report: John Blais, Eric Cousens, Katherine Cook

Deliberation amongst Planning Board members and staff regarding the traffic study that was completed, specifically Phase 1 vs Phase 2 numbers.

Toni Ferraro inquires about blasting from Phase 1. Staff received and addressed noise complaints during Phase 1. Staff make note the applicant did expand the area of abutters notification from 300 ft to 600 ft.

Evan Cyr clarifies this project is being reviewed as a special exception, not subdivision.
Staff concurs.

Applicants: Mike Gotto of Stoneybrook Land Use, INC , and Jessica Klimek of American Development Group.

Mr. Gotto discusses the traffic study further and does clarify there will be more blasting with Phase 2.

Ms. Klimek speaks to the current occupancy rate for the Phase 1 apartments. Expresses high demand for two bedrooms and they currently have a waitlist. Phase 2 will be all two-bedroom apartments.

Motion to open Public Comment made by Paul Jacques and seconded by Toni Ferraro. **VOTE:** 6-0-1, Riley Bergeron abstains, motion passes.

Spencer Dunn of 530 Court St speaks opposed to Phase 2 and cites additional safety concerns due to increase of traffic volumes, high speeds; proposed turning lane hinders daily life of local residents.

Pam Rousseau of 745 West Auburn Rd speaks opposed to project due change in character of neighborhood, concerns about the cost for traffic light and water utilities from pump station.

Ryan Smith of 15 Weaver St speaks opposed to project; questions project categorized as residential vs. commercial; cites traffic concerns on Court St with addition of turning lane; disappointed in overall project.

Stephen Beale of 575 Johnson Rd asks for clarification for location of turning lane.

Bobby Morrisette of 212 Lake St speaks in favor of project; speaks in favor of local developer, cites local job creation, comments about high quality of this project.

B. Gervais of Stable Ridge speaks in favor of project; comments he moved from California to accept employment position in Maine based on housing, comments Auburn should focus on existing properties that have depreciated.

Elizabeth Dunn of 530 Court St speaks opposed to the project; shares concerns regarding demolition, blasting, light pollution, debris not disposed of, and traffic safety concerns.

Jeffrey Harmon of 34 Vista Dr speaks opposed to the project, comments that plan does not meet T 4.2B zoning ordinance or 60-2 form based code.

Motion to close public comment made by Riley Bergeron and seconded by Stacey LeBlanc. **Vote:** 7-0-0 Motion passes.

Evan Cyr asks Auburn staff how setbacks from road are determined.

Staff shows diagrams based on T 4.2B.

Additionally, Evan Cyr asks for clarification of term frontage, definition of street vs. road found in form-based code.

Evan Cyr asks when materials were posted for public.

Staff ensures materials have been available to the public since February 2, 2023. Additional items were added on 2/10/23 and due to technical difficulties the links were lost and remedied first thing the morning of 2/13/23 when staff was made aware.

Planning Board discusses with Auburn staff materials being posted or available to public for appropriate time. Website being down deemed "excusable error," not failure.

David Trask asks about pickup for debris. Amanda Guerette asks if there is a construction fence to contain debris from site.

Staff cites construction dumpsters on site and there is some fence (not a construction fence.) Staff defers to developer regarding safety fence.

Paul Jacques speaks in favor of the development for economic reasons. He agrees with need for different price points of properties in the city and diversifies the income for different neighborhoods.

Paul Jacques makes a motion to approve the Site Plan for the construction of the 60-unit multifamily housing project consisting of building 5-16,000 square feet, 3 story buildings with 90 parking spaces that exceeds the parking requirement of 75 spaces. The project meets the requirements of Sec. 60-1277, and further that the application meets the requirements of Site Plan Ordinance, Sec. 60-45, Sec.60.549, Sec. 60-554 of Multi-Family-Permitted Uses Under Division 14, T-4.2 of the Formed Based Code with the following conditions:

- a. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.
- b. The applicant complies with AWSO letter dated January 19, 2023
- c. In-leu fee for off-site improvements related to transportation of \$37,809.30 to be paid upon the Certificate of Occupancy for the first constructed building in Phase II

Motion seconded by Darren Finnegan **Vote:** 3-4-0 Motion fails. * *Note, YouTube recording verbalize tally of vote inaccurately (2-5-0)*

Evan Cyr calls a 3-minute recess.

4. PUBLIC HEARING/ SUBDIVISION REVIEW: *Mathew Violette is proposing to divide the parcel at 118 Gamage Avenue, Parcel I.D. 250-060 to create three residential building lots. This item is pursuant to Article XVI Division 4- Subdivision: and Article IV Division 14- Form-Based Code.*

Toni Ferraro discloses she was listing agent on this property in 2021. She cites she has zero monetary interest; sale of lot was not contingent on subdivision and was not a member of the Planning Board at that time.

Evan Cyr calls for a vote to allow Toni Ferraro to continue with the item without being biased. All members vote in favor. Toni Ferraro is allowed to continue on.

Staff Report: Katherine Cook

Planning Board and Staff deliberation regarding lot size and other specs. Staff referenced the packet of information.

Applicant: Jim Corbin of Terradyn Consultants representing owner, Matthew Violette. Corbin recognizes need for shared driveway, all access from existing curb cuts.

Motion to open public comment made by Darren Finnegan and seconded by David Trask.

Matt Kovacevich of 112 Gamage Ave states speaks opposed; concerns regarding curb cutouts and storm runoff resulting in flooding.

Audrey Murphy of 4 Pineway Dr speaks opposed; she continues to read Matt Kovacevich's prepared statement. Shares concerns for development.

Jordy Knoren of 119 Gamage Ave speaks opposed due to privacy issues.

Stephen Beale of Shepley St speaks opposed due to driveway access and exits.

Motion to close public info session made by Toni Ferraro and seconded by Darren Finnegan **Vote:** 7-0-0 Motion passes.

Darren Finnegan makes a motion to approve the subdivision of the parcel at 118 Gamage Avenue, Parcel I.D. 250-060 to create three residential building lots and waive the Sec. 60-1367 recreation requirements.

. Seconded by Toni Ferraro. **Vote:** 5-2-0 Motion passes.

Motion to proceed with items 6, 8, and 9 not to exceed a time limit of 10:30pm made by Stacey LeBlanc and seconded by Riley Bergeron. **Vote:** Unanimous Motion passes.

- 5. PUBLIC HEARING/ TEXT AMENDMENT:** Public hearing on a text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which the use does not currently exist. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Staff Report: Eric Cousens

Motion to open public comment made by Stacey LeBlanc and seconded by David Trask

Seeing none, motion to close public comment made by David Trask and seconded by Toni Ferraro

Riley Bergeron make a motion for a favorable recommendation

6. ELECTION:

Designate new chairperson to serve on the planning board. Toni Ferraro nominates Stacey LeBlanc as chairperson. **Vote:** 6-0-1, motion passes. Riley Bergeron nominates Paul Jacques as vice chairperson. **Vote:** 6-0-1, motion passes.

7. PUBLIC COMMENT:

8. MISCELLANEOUS:

Upcoming Agenda Items
Review of policies and procedures (time permitting)

9. ADJOURNMENT:

Motion to adjourn is made by Toni Ferraro and seconded by Riley Bergeron. **Vote:** 7-0-0 Motion passes, meeting adjourned.

PLANNING BOARD MEETING MINUTES

February 28, 2023

1. **ROLL CALL:** Darren Finnegan, David Trask, Paul Jacques, Evan Cyr, Tim DeRoche, Stacey LeBlanc, Toni Ferraro, and Amanda Guerette.

2. **WORKSHOP/ RESOLVE 06-09062022/ ORDER 151-11072022:**

Staff shares the outcome of the survey and where to find it and presents conservation values (SNRB) map and demonstrates the underlying layers like natural features, proximity to the city center, and future transportation-related goals.

Staff also shares Agriculture map made by resident, Joe Gray, depicting the current agricultural enterprises happening in the city.

Staff prompts the Planning Board to direct them on preparing for a public hearing with the following options:

- A. Amend the specific portions of the zoning map from AGRP to a residential zoning designation (RR, SR, T-4.2, etc.) based on conservation and economic services valuation map. This option would uphold the income requirement in the remaining AGRP zone and could necessitate a Comprehensive Plan and Future Land Use Plan (FLUP) change.
- B. Amend some or all areas of the zoning map shown in the blue highlighted areas of Appendix C to allow for higher density development while maintaining possibility for City easement access. This option would uphold the income requirement in the remaining AGRP zone and could necessitate a Comprehensive Plan and FLUP change.
- C. Pursue a zoning text change replacing or eliminating the income standard as proposed. This option would remove the income requirement in all areas of the AGRP zone.
- D. Allow one residential home on existing lots in the AGRP zone. This option would uphold the income requirement for any new lots in the AGRP zone, but not require this restriction for existing lots.
- E. Remove strip zone limitations in RR and LDCR areas abutting AG zone.

Planning Board directed staff to prepare for the text amendment public hearing on option C and to consider option A or B as continued deliberation or with the recommendation they should make to the board.

The board decides to not pursue option D or E.

The board decides to have the public hearing as a special meeting on March 28, 2023, at which point they will discuss and vote on a text amendment presented by council. Board wants to begin drafting replacement for the income standard at this meeting.

3. MISCELLANEOUS:

Upcoming Agenda Items

4. ADJOURNMENT:

Motion to adjourn is made by Evan Cyr and seconded by Paul Jacques. **Vote:** 7-0-0 Motion passes, meeting adjourned.

Planning Board Meeting Minutes 3/28/2023

1. **ROLL CALL:** Darren Finnegan, Tim DeRoche, David Trask, Amanda Guerette, Paul Jacques, Stacey LeBlanc, Evan Cyr, Toni Ferraro, and Riley Bergeron.
2. **MINUTES:** Motion to approve February 14, and February 28, 2023, meeting minutes made by Evan Cyr and seconded by David Trask and Toni Ferraro. **VOTE:** 7-0-0 Motion passes minutes accepted. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>
3. **NEW BUSINESS: CITY MANAGER PRESENTS CIP**
Presented by Assistant City Manager Brian Wood
4. **POSTPONED FROM MARCH 14, 2023 DUE TO INCLEMENT WEATHER/CONTINUED DELIBERATIONS AND ACTION/ SITE PLAN REVIEW:** American Development Group, LLC (ADG) is proposing Phase 2 of the Stable Ridge Apartments project at Parcel I.D. 229-007, 555 Court Street. This proposal includes five 12-unit apartment buildings with a total of 60 units and four garage structures. This hearing is rescheduled to March 28 from March 14 due to bad weather. This proposal is pursuant to Chapter 60, Article XVI Division 2- Site Plan Review, Division 3 Special Exception, Division 4- Subdivision, Article IV Division 14- Form-Based Code and Maine Revised Statutes 30-A. 4402(6). The map and text showing the proposed project is available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> under the March 14, 2023, Agenda link and in-person at the City of Auburn Planning & Permitting Office, 60 Court Street, Auburn, Maine during normal business hours. All interested persons are invited to attend the public meeting. A public hearing was held on this application on February 14, 2023. At the conclusion of the public hearing, the Planning Board voted on a motion to approve the project subject to the findings and conditions in the Staff Report, and the motion failed, by vote of 3 in favor / 4 opposed. That vote failed to approve the application, but the vote did not serve as a motion to deny the application. The Planning Board is being asked, upon advice of legal counsel, to deliberate further, act to either approve or deny the application by formal motion and vote, and to adopt written findings for its decision that meet the requirements of the Zoning Ordinance.

Evan Cyr makes a motion to approve the Site Plan for the construction of the 60-unit multifamily housing project consisting of building 5-16,000 square feet, 3 story buildings with 90 parking spaces that exceeds the parking requirement of 75 spaces. The project meets the requirements of Sec. 60-1277, and further that the application meets the requirements of Site Plan Ordinance, Sec. 60-45, Sec.60.549, Sec. 60-554 of Multi-Family-

Permitted Uses Under Division 14, T-4.2 of the Formed Based Code with the following conditions:

- A. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.
- B. The applicant complies with AWSD letter dated January 19, 2023
- C. In-lieu fee for off-site improvements related to transportation of \$37,809.30 to be paid upon the Certificate of Occupancy for the first constructed building in Phase II
- D. Sheet #6, Level Lip Spreader on perimeter drain outlets & adjusting CB#4 to uphill side of tip-down.

Motion seconded by Darren Finnegan **VOTE:** 5-2-0 Motion passes.

5. **PUBLIC HEARING/ TEXT AMENDMENT: The City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the proposed text changes available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.**

Evan Cyr makes a motion that the Planning Board places draft language emailed to the board by city staff onto the public record for discussion later in the hearing. Motion is seconded by David Trask **VOTE:** 7-0-0 Motion passes.

Staff Report presented by Katherine Cook.

Stacey LeBlanc seeks a motion to limit public comment for each agenda item to one hour; Evan Cyr makes the motion but adds that one hour should be applicable to each of the three public hearings. Motion is seconded by Paul Jacques **VOTE:** 7-0-0 Motion passes.

Motion to open public comment made by Evan Cyr; motion is seconded by David Trask **VOTE:** 7-0-0 Motion passes.

Razel Ward of 1372 N River Rd speaks in favor of preserving agricultural zone.

Brayden Nadeau of 470 Hatch Rd, owner/operator of Brayden's Vegetable Stand speaks of concerns about losing agricultural zone. Mr. Nadeau speaks of concerns for future farmers and use of land for recreational purposes.

Jane Costlow of 104 Fourth St, chair of Auburn Sustainability and Natural Resources Board, states the proposed text amendment should be rejected. Ms. Costlow references an SNRB report submitted on 12/13/22 regarding findings on income requirements.

Scott Berry of 179 Davis Ave speaks in favor of eliminating income standard.

David Griswold of 199 Gamage Ave, licensed Maine forester and member of ad hoc group that made the SNRB recommendation, speaks of economic externalities. Mr. Griswold cites state strategy goals to increase state food producers and land conservation.

Thatcher Carter of Maine Farmland Trusts speaks in support SNRB; in support of local farmers and protecting farmland, cites fiscal benefits to proactive farmland protection initiatives.

Bruce Bickford of 64 Cameron Ln speaks in favor of removing income standard; he states anyone should be able to build a house on the land they own in ag zone without stipulation of farming for income.

Blaine Flanders of Good Food Council of L/A speaks in favor of option D. Ms. Flanders speaks of concerns that raising taxes will threaten viability of existing farms in Auburn; in favor of future land use that allows food access and production to local economy.

Michelle Melaragno of 576 Trapp Rd speaks in favor or protecting Ag zone. Ms. Melaragno states composting provides an agricultural service which is environmentally responsible; speaks of concerns for protection of open space for hunting, fishing and farming.

Chris Carson of 110 Jacques Rd states AGRP created in 1964 to limit urban sprawl, minimize cost of city services.

Chloe Myers of 304 Sopers Mill Rd, first year farmer, reads statement from Francis Eanes of 86 Skillings Corner Rd.

Susan Goodwin of 1044 Old Danville Rd speaks in favor of protecting Ag zone. Ms. Goodwin owns 100 acres open to the public for recreational activities, concerned about loss of open space and habitat if changes are made.

Peter Moore of Pownal Rd/Jordan School Rd speaks in favor of removing income standard without replacements.

Pam Rousseau of 745 West Auburn Rd speaks opposed to eliminating the income standard; concerns of taxes being raised.

Stephen Beal of 575 Johnson Rd voices concerns for public workshops and posting information early for the public. Mr. Beal speaks opposed to an income standard but asks to keep it in place until a new verbal standard is fully adopted.

Tammy Nielsen of 1045 Old Danville Rd speaks in favor of protecting Ag zone in order to prevent erosion and flooding, protecting species habitat.

Sam Boss of 7 Morse St speaks opposed to proposed text amendment that would eliminate income requirement; cites need to provide housing while still preserving open spaces to allow for local farming and food.

Evan Cyr makes a motion to close public section of hearing, motion is seconded by David Trask. **VOTE:** 7-0-0 Motion passes.

Questions amongst the Planning Board.

Riley Bergeron makes a motion to not recommend the elimination of the income standard without the replacement standard that maintains a connection of housing an agricultural uses and require one more public hearing to develop a new standard, motion is seconded by Toni Ferraro and Stacey LeBlanc. **VOTE:** 7-0-0 Motion passes.

Discussion amongst the Planning Board; Evan Cyr adds clarification to previous motion. Riley Bergeron accepts this clarification.

- 6. PUBLIC HEARING/ MAP AMENDMENT: The City Council directs the Planning Board after consultation from the Sustainability and Natural Resource Management Board to provide an opinion and deliver recommendations to the City Council no later than April 18, 2023, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment considering the attached**

proposed text changes. Eliminate the current strip zoning limitations means where there is a residential strip over a portion of a parcel, the entirety of the parcel would become residentially zoned in the same way as the strip (zoning map amendment). The proposed map amendment is available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Staff report presented by Katherine Cook and John Blais.

Evan Cyr makes a motion to open public comment, motion is seconded by Toni Ferraro. **VOTE:** 7-0-0 Motion passes.

Ryan Smith of 14 Weaver St comments about Planning Board policy that states no new agenda item can start after 9pm; asks the Planning Board to take a vote before more deliberations so it cannot be legally challenged.

Motion to pause public hearing made by David Trask and seconded by Evan Cyr. **VOTE:** 7-0-0, Motion passes. Planning Board checks with city staff on time; city staff advises a vote for clarity.

Motion to continue dialogue/discussion on agenda items post 9pm made by David Trask and seconded by Evan Cyr **VOTE:** 7-0-0, Motion passes.

Motion to reopen public comment made by Evan Cyr and seconded by David Trask. **VOTE:** 7-0-0, Motion passes.

Jeff Harmon of 34 Vista Dr recommends making a recommendation to City Council not to eliminate strip zone limitations due to conflicts with prior work and proposals.

Adam Curtis of 1481 Riverside Dr opposed to removing strip zone due to unbuildable land, protected species, preserving open space to hunt.

Jessie Eden of 576 Trapp Rd speaks opposed to strip zone changes; Ms. Eden cites costs of city services if zoning changes go through.

Dana Staples of 32 Greenfield Dr comments strip zones were put in place to circumvent income standard; Mr. Staples suggests replacing with urban growth boundary instead to control urban sprawl.

Jeffrey Naum of 968 Perkins Ridge Rd speaks opposed to eliminating strip zone due an increase in taxes on land that is unbuildable.

Michael Morrissey of 825 Perkins Ridge Rd comments he was sent different map with inaccuracies; Mr. Morrissey speaks of concerns of development near Taylor Pond not in agreement with Comprehensive Plan.

Pam Rousseau of 745 West Auburn Rd speaks opposed to changes to strip zone limitations with concerns regarding urban sprawl and development.

Michelle Melaragno of 576 Trapp Rd speaks about placing value on the history of prior work regarding proposals to eliminate strip zone limitations; comments only abutters of Ag zone received mailed notices, not Ag zone owners.

Adam Platz of 876 Perkins Ridge Rd questions what strip rezoning would do for community; Mr. Platz speaks in favor of keeping development to core of city.

Stephen Beale of 575 Johnson Rd speaks opposed to changes to strip zone limitations; Mr. Beale cites proposed changes and testimony to strip zones from 2021; mentions increased taxes on back land and Tree Growth Law.

David Griswold of 199 Gamage Ave continues for Stephen Beale regarding Tree Growth program; Mr. Griswold states city will lose money from state tax programs if changes are made.

John Cleveland of 183 David Ave speaks opposed to extending strip zones; Mr. Cleveland states Ag zone will be undermined by eliminating strip zones.

Bruce Bickford of 64 Cameron Ln speaks about spot zone; Mr. Bickford is in favor of changes that will allow residents to "age in place."

Chris Carson of 110 Jacques Rd speaks of houses on large amounts of acreage which will result in increase of city services if zone changes are made.

Kathy Shaw of 1200 Sopers Mill Rd speaks opposed to changes to strip zone limitations; Ms. Shaw speaks opposed to fragmenting areas of natural wildlife habitat.

Barbara Mitchell of 179 West Shore Rd comments that extension of strip zones will increase taxes, drive residents off their land and may not be developable.

Motion made by Evan Cyr to close public comment, seconded by David Trask. **VOTE** :7-0-0 Motion passes.

Planning Board directs questions to City staff; discussion amongst Planning Board.

Evan Cyr makes a motion to recommend that no amendments be made to the depth of residential strips based on the finding that any extension of the depth of the residential strips in question will conflict with proposed changes being considered for the AGRP zone by the Planning Board, and that such changes would also have a high likelihood of dispersing high density development in areas of the city in which it may not be desired. Motion is seconded by David Trask. **VOTE:** 6-1-0 Motion passes.

Motion made by Evan Cyr to review item #7 and postpone items #8 and #9 and move to adjournment, motion seconded by Tim Deroche. **VOTE:** 7-0-0 Motion passes.

Planning Board takes a recess.

- 7. POSTPONED FROM MARCH 14, 2023 DUE TO INCLEMENT WEATHER/PUBLIC HEARING/ PETITION/ TEXT AMENDMENT: The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and as shown on the proposed text changes available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.**

Staff report Katherine Cook

Evan Cyr asks about Conservation Easement.

Motion to open Public Comment

Kathy Shaw of Sopers Mill Rd speaks in favor

Chelsea of 576 Trapp Rd speaks in favor

Motion to close Public Comment made by _____ seconded by Evan Cyr

Evan Cyr makes a motion to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and included in this meeting's materials. Seconded by Toni Ferraro. **Vote** 7-0-0 Motion Passes

8. ADJOURNMENT

Planning Board Meeting Minutes 5/9/2023

1. **ROLL CALL:** Amanda Guerette*, Timothy Deroche*, Evan Cyr, Paul Trask, David Jacques, Darren Finnegan and Riley Bergeron.

*=elevated to full member for this meeting

**=elevated to Chair

Absent: Toni Ferraro and Stacey LeBlanc

2. **MINUTES:** Motion to approve March 28, 2023, and April 11, 2023, meeting minutes made by Evan Cyr and seconded by David Trask. VOTE: 7-0-0 Motion passes minutes accepted. All meetings are available on YouTube

<https://www.youtube.com/c/CityofAuburnMaine>

3. **PUBLIC HEARING/ SITE PLAN REVIEW: Auburn Suburban Baseball and Softball is proposing the development of a new ballfield facility comprised of three ball fields, one practice in-field, concessions and meeting building, field lighting, batting cages, and parking facilities. The development will take place on an approximately 29.93-acre parcel at Parcel I.D. 217-002, between Garfield Road, Stevens Mill Road and Hotel Road. This item is pursuant to Chapter 60, Article IV, Division 5- Suburban Residence (SR) District, Chapter 60, Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XVI, Division 2- Site Plan Review.**

Staff Report: John Blais

Evan Jones of Jones Associates, on behalf of applicant, discusses parking assessments and concerns with 2 fields in use and future foot path.

Planning Board members raise questions about limiting play to 2 fields; ask for clarification for parking prohibitions, parking enforcement, traffic, and speed concerns. Staff clarifies that traffic movement permit requests no parking on Stevens Mill Rd and Hotel Rd for first 300 feet and limits play to 2 fields. Staff cites police department and public works for parking enforcement.

Motion to open public comment made by Evan Cyr and seconded by Riley Bergeron.

VOTE: 7-0-0 Motion passes.

Tim Simpson of 57 Rafnell St speaks in favor of ballfield as a "great neighbor," voices concerns indicative of use regarding noise, light pollution, funding and pesticide issues with wetlands.

Motion to close public comment made by Evan Cyr and seconded by David Trask.
VOTE:7-0-0 Motion passes.

Motion is made by Evan Cyr and seconded by David Trask to approve the Site Plan for the proposed Auburn Suburban Baseball & Softball fields, the project meets the requirements of Chapter 60, Article IV, Division 5- Suburban Residence (SR) District, Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XVI, Division 2- Site Plan Review with the following conditions:

- a. *No development activity until any bonding or inspection fees are determined by the Auburn Engineering Department.*
- b. *Approved Traffic Movement Permit.*
 - i. *No parking along Stevens Mills Road and Hotel Road along the first 800' in either direction at the intersection of Stevens Mills Road and Hotel Road.*
 - ii. *Stop Bar on Stevens Mill Road/Hotel Road.*
 - iii. *Tree Clearing on the corner of Stevens Mill Road/Hotel Road.*
 - iv. *Limit Playing on two fields at one time.*

VOTE: 7-0-0, Motion passes.

4. **PUBLIC HEARING/ SITE PLAN REVIEW: Jim Wu is proposing the development of a two (2) building, 21-unit apartment complex with parking on the 1.22-acre site at 405 Center Street, Parcel I.D. 271-065. This item is pursuant to Chapter 60, Article IV, Division 12- General Business (GB) District; and Chapter 60, Article XVI Division 2-Site Plan Review.**

Staff Report: Eric Cousens

Jim Corbyn from Terradyn Consultants, on behalf of applicant, presents site plans.

Motion to open public comment made by Paul Jacques and seconded by Riley Bergeron.
VOTE: 7-0-0, Motion passes.

No public comment.

Motion to close public comment made by Paul Jacques and seconded by Evan Cyr.
VOTE: 7-0-0, Motion passes.

Motion is made by David Trask and seconded by Tim DeRoche to approve the development of a two (2) building, 21-unit apartment complex with parking on the 1.22-

acre site at 405 Center Street, Parcel I.D. 271-065 pursuant to Chapter 60, Article IV, Division 12- General Business (GB) District; and Chapter 60, Article XVI Division 2-Site Plan Review, with the following conditions:

No development until any bonding or inspection fees are determined by the Auburn Engineering Department.

VOTE: 7-0-0, Motion passes.

5. **PUBLIC HEARING/ SPECIAL EXCEPTION: Isabella Pray is proposing adding an outdoor walk-up window use to their existing business at 41 Steven's Mill Rd., Parcel I.D. 208-043. This item is pursuant to Chapter 60, Article IV, Division 13- Minot Avenue (GBII), and Chapter 60, Article XVI, Division 3- Special Exception.**

Staff Report: Eric Cousens

Applicant not present.

Motion to open public comment made by Riley Bergeron and seconded by Evan Cyr.

VOTE: 7-0-0, Motion passes.

No public comment.

Motion to close public comment made by Evan Cyr and seconded by David Trask. **VOTE:** 7-0-0, Motion passes.

Planning Board discusses parking and traffic concerns at intersection of Court St and Stevens Mills Rd.

Motion is made by Tim DeRoche and seconded by Evan Cyr to approve an outdoor walk-up window use at the existing business at 41 Stevens Mill Rd., Parcel I.D. 208-043 pursuant to Chapter 60, Article IV, Division 13- Minot Avenue (GBII), Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XVI Division 2-Site Plan Review.

Subject to the following conditions:

Applicant must have available bathroom for customers and no parking signs posted on Court St in front of said establishment and on Stevens Mills Rd beside said establishment.

VOTE: 7-0-0, Motion passes.

6. **PUBLIC HEARING/ SPECIAL EXCEPTION/ SITE PLAN REVIEW: John F. Murphy Homes, Inc is proposing an eight-bed care home located off Hotel Road, Parcel I.D. 237-070-001. The proposal is pursuant to Chapter 60, Division 5- Suburban Residence (SR) District, Chapter 60, Article XVI, Division 2- Site Plan Review, Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XII, Division 5- Shoreland Overlay District (SLO).**

Staff Report: John Blais and Eric Cousens

Mike Gotto from Stoneybrook Land Use, Inc., on behalf of the applicant, presents site plans.

Motion to open public comment made by Evan Cyr and seconded by Riley Bergeron.

VOTE: 7-0-0, Motion passes.

Morgan Hopkins of 16 Topaz Circle in Granite Mill Estates speaks opposed to approving the facility; cites concerns about zoning, ordinance and special exception conditions being met.

Ryan Smith of 14 Weaver St speaks about state statute regarding intermediate care facilities with 8 or fewer persons licensed by the state considered single family use for zoning purposes; has concerns about Shoreland zoning and buffering for residents.

Resident of 32 Lepidolite Ct in Granite Mill Estates speaks opposed to approving the facility; cites concerns about light pollution in parking lot, depreciation of property value.

Suzanne Levesque of 50 Rubellite Ln in Granite Mill Estates speaks opposed to approving the facility, cites concerns about light pollution, ground water issues, depreciation of property value, staff security on premise.

Motion made by Evan Cyr and seconded by David Trask to close public comment. **VOTE:** 7-0-0, Motion passes.

Discussion amongst Planning Board and Staff regarding beaver dams on Taylor Brook, potential tax contributions from facility, concerns/solutions regarding light pollution from proposed parking lot.

Mike Gotto discusses options to turn lights off in parking lot for night shift or adding a shield.

Further discussion amongst Planning Board regarding buffering, conditions to mitigate light pollution.

Motion made by Evan Cyr and seconded by Riley Bergeron to table public hearing to a date certain to be the next Planning Board meeting to allow the applicant and developer to address concerns regarding buffering on the site.

Staff clarifies the next Planning Board meeting is May 9, 2023.

VOTE: 6-1-0, Motion passes.

7. **PUBLIC COMMENT:**

8. **MISCELLANEOUS:**

- a. Upcoming Agenda Items
- b. Review of policies and procedures (time permitting)

9. **ADJOURNMENT**

Motion to adjourn made by Tim DeRoche and seconded by Evan Cyr. **VOTE:**7-0-0, Motion passes.

Planning Board Meeting Minutes 5/9/2023

1. **ROLL CALL:** Amanda Guerette*, Timothy Deroche*, Evan Cyr, Paul Jacques**, David Trask, Darren Finnegan and Riley Bergeron.

*=elevated to full member for this meeting

**=elevated to Chair

Absent: Toni Ferraro and Stacey LeBlanc

2. **MINUTES:** Motion to approve March 28, 2023, and April 11, 2023, meeting minutes made by Evan Cyr and seconded by David Trask. VOTE: 7-0-0 Motion passes minutes accepted. All meetings are available on YouTube

<https://www.youtube.com/c/CityofAuburnMaine>

3. **PUBLIC HEARING/ TEXT AMENDMENT: City Council Directs Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. This item is pursuant to Article XVII Division 2 & 3. as shown on the proposed text changes available at**
<https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map

Staff Report: Eric Cousens

Planning Board members discuss and raise questions regarding the City's Comprehensive Plan, LD 2003, and resource protections currently in place. Staff clarifies that LD 2003 is going through the State House. Staff gives examples of resource protections in place: shoreland zoning, flood plan ordinance, Taylor Pond Watershed, and state standards for protecting natural resources.

Motion to open public comment made by David Trask and seconded by Evan Cyr. **VOTE:** 7-0-0 Motion passes.

Jeff Harmon of 34 Vista Dr speaks against making a text amendment, urges Planning Board to review the goals of the Comprehensive Plan.

Stephen Beal of 575 Johnson Rd discusses four proposals, suggests utilizing Federal Land Bank and Farm Credit Service for value judgments.

Camille Parrish of 42 Lake St speaks opposed to text amendment to Ag zone, cites potential unnecessary increase in property taxes due to sprawl.

Katie Boss of 7 Morse St speaks in favor of city staff recommendation, urges Planning Board to determine how proposals align with Comprehensive Plan and the consequences of moving away from that plan.

Rita Mae Morin representing 150 Sopers Mill Rd, 4th generation farmer, speaks in favor of protecting the AGRP zone in order to preserve function of working farms.

Chelsea Eaton of 576 Trapp Rd speaks about concerns in dip of city services, increase in property taxes due to sprawl.

John Cleveland of 183 Davis Ave speaks about legal jeopardy that arises from inconsistencies between zoning changes and Comprehensive Plan.

Rob Nielson of 1045 Old Danville Rd speaks in favor of preserving Ag zone for wildlife habitat and open space for recreation.

Ryan Smith of 14 Weaver St refers to LD 2003 and Comprehensive Plan to help define zoning, asks about results from community surveys regarding zoning.

Pam Rousseau of 745 West Auburn Rd speaks in favor of preserving Ag zone for open space for recreation, states taxes will not cover city services needed.

Mike Ouellette of 242 West Auburn Rd speaks opposed to rezoning of AGRP zone, recognizes need for new housing but states proposed changes in zoning would result in large development of subdivision, doesn't coincide with city's Comprehensive Plan.

Peter Moore of Pownal Rd and Jordan School Rd speaks in support of proposed zoning text changes to Ag zone, states non-resident landowners in Ag zone should have same rights as existing Ag zone residents.

David Haines of 384 Butler Hill Rd

Motion to close public comment made by David Trask and seconded by Evan Cyr.
VOTE:7-0-0 Motion passes.

- 4. PUBLIC HEARING/ SPECIAL EXCEPTION/ SITE PLAN REVIEW: John F. Murphy Homes, Inc is proposing an eight-bed care home located off Hotel Road, Parcel I.D.**

237-070-001. The proposal is pursuant to Chapter 60, Division 5- Suburban Residence (SR) District, Chapter 60, Article XVI, Division 2- Site Plan Review, Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XII, Division 5- Shoreland Overlay District (SLO).

WORKSHOP/ TEXT AMENDMENT: Consider amending Sec. 60-500 (2), Sec. 60-526 (2), and Sec. 60-579 (2) of the zoning ordinances to increase the maximum building coverage in the General Business (GB) and Minot Avenue (GBII) zoning districts from 30 percent coverage to 60 percent coverage, and increase the maximum building coverage in the Industrial (ID) zoning district from 40 percent coverage to 60 percent coverage as shown on the attached proposed text amendments. This topic is pursuant to Sec. 2-471.- Workshop or informational meetings.

REVIEW PLANNING BOARD POLICIES AND PROCEDURES:

5. **PUBLIC COMMENT:**
6. **MISCELLANEOUS:**
 - a. Upcoming Agenda Items
 - b. Review of policies and procedures (time permitting)
7. **ADJOURNMENT**

PLANNING BOARD Meeting Minutes
June 6, 2023 – 6:00PM

1. **ROLL CALL:**
Absent: Evan Cyr

2. **MINUTES:** Review May 9, 2023, meeting minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

3. **PUBLIC HEARING/ZONING TEXT AMENDMENT:** *The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023 meeting. The proposed text changes are available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.*

Staff Report: Eric Cousens

Motion to open Public Comment

Chris Carson of Jacques Rd. states he is a member of the "Save Auburn AGRP Group" and wants to thank Staff for their work. Speaks in favor of "Proposal B" as it complies with the Comp Plan.

Stephen Beale of 575 Johnson Rd. speaks in support of "Proposal B"

Pam Rousseau of 745 West Auburn Rd. speaks in support of "Proposal B"

John Cleveland of 183 Davis Ave. speaks in support of "Proposal B"

Motion to close public comment made by David Trask and seconded by Riley Bergeron
VOTE 7-0-0

Riley Bergeron reads comments of Evan Cyr

MOTION: Tim DeRoche makes a motion; Toni seconds.

"I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal "B", Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal "B", and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in "Proposal B."

The following motions are amendments to the main motion, above.

Motions 1-7 are directly from Evan Cyr's proposed amendments to Proposal "B", submitted 6/6/2023.

Motions 8-9 are from AGRP Zone Group public comment from Steve Beale dated 6/5/2023.

MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron suggests an amendment for "Sec. 60- 145 (a)(1)(a) to include the language 20% of 2 acres, which ever is less" in reference to lot size. Dave Trask seconds.

VOTE: Amendment passes 7-0-0

MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron offers another amendment that 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses rather than just farming. Dave Trask Seconds.

VOTE: Amendment passes 7-0-0

MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron would also like to include an amendment for Section 60-145(a)(1)(b)(vii) to read not be sited in any portion of a parcel that has been classified as being: "a.

Enrolled in the State of Maine Farmland Tax Program in the last five years, or" **VOTE:** Amendment passes 6-1-0

MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for section 60-145(a)(1)(c) which only references Section 60-145(a)(1)(a) but there are also requirements for a residence later in that section. This could be accomplished by reading, "No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements set forth in Section 60-145(a)(1)(a) and Section 60-145(a)(1)(b)(ii) have been presented"

VOTE: Amendment passes 7-0-0.

MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron also offers an amendment to Sec. 60-145 (a)(1)(d) for it to read: "which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Section 60-145(a)(1)(b)(ii). **VOTE:** Amendment passes 6-1-0

MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for Section 60-146(1) to read, "and measuring less than 250 feet in width at the street frontage along a publicly accepted street," **VOTE:** Amendment passes 4-3-0

7. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron offers an amendment on Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less.

Riley Bergeron clarifies that his amendment refers to where the house should be set on the lot, the same text provided as public comment. David Trask also seconds after this clarification. **VOTE:** Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: Riley Bergeron

Tim DeRoche proposes an amendment found in Mr. Beale's public comment in Section 145(a)(3) that 'firewood processing and Christmas tree cultivation' should follow the words maple sugaring." **VOTE:** Amendment passes 7-0-0

MOTION: David Trask; Second: Toni Ferraro

David Trask offers an amendment that in Section 145(b)(8)(a) the words except for approved conservation cemeteries which shall be at least 10 acres in size" should be added. VOTE: Amendment passes 7-0-0

10. MOTION: David Trask; Second: Toni Ferraro

David Trask would like to amend where referenced the Lake Auburn watershed to include the Taylor Pond watershed as well. VOTE: Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: David Trask

"I make a motion to approve the B option with said amendments (1-10)" VOTE: Motion passes 7-0-0.

4. **PUBLIC HEARING/SPECIAL EXCEPTION/SITE PLAN REVIEW:** JCS 18, LLC is proposing to develop a City-owned parcel of land located at 186 Main Street, Parcel I.D. 231-020. The proposal includes a new five-story mixed-use building that will be three floors with 18 units of multi-family apartment housing and 1,118 square feet of retail/commercial space and one floor with an 118-seat restaurant/brewery space. The proposal is pursuant to Chapter 60, Article IV, Division 14-Form-Based Code-T-5.1; Chapter 60, Article XVI, Division 2-Site Plan Review; Chapter 60, Article XVI, Division 3-Special Exception; and Chapter 60, Article XII, Division 5-Shoreland Overlay District (SLO).

Pam Rousseau of

MOTION: David Trask makes a motion; Toni Ferraro seconds.

"I'll make the motion to Approve the proposal pursuant to Chapter 60, Division 14-Form-Based Code- T-5.1, Chapter 60, Article XVI, Division 2- Site Plan Review, Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XII, Division 2 and 5 Floodplain Overlay District and Shoreland Overlay District (SLO) with the following conditions:

1. Filed approval Androscoggin County Registry of Deeds for road realignment of Miller Street.
2. Filed approval Androscoggin County Registry of Deeds for easement to Auburn Sewer and Water District.

3. Filed approval Androscoggin County Registry of Deeds for Rights of Use, Maintenance, and Access easement to (Great Falls) JCS 18, LLC.
4. Filed approval Androscoggin County Registry of Deeds for Rights of Use, Access easement to Turson LLC
5. NRPA Permit by Rule by MaineDEP
6. Flood Hazard Development Permit
7. Traffic Movement Permit

VOTE: Motion passes 7-0-0.

5. **PUBLIC HEARING/ZONING MAP AMENDMENT:** Auburn voters submitted a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Toni Ferraro makes a motion; Tim DeRoche seconds.

“My motion is not to go forward my findings are (that) if you go down Loring Ave, I really do not understand how you could fit a firetruck down there or the amount of traffic that would come along with a larger development for multifamily (buildings)”. Riley Bergeron clarifies that the reasons to deny the proposal are safety and traffic. Toni Ferraro confirms this is the intention. **VOTE:** Motion passes to not recommend the zone change 7-0-0.

6. **PUBLIC HEARING/ZONING TEXT AMENDMENT:** This public hearing will consider amending Sec. 60-500(2), Sec. 60-526(2), and Sec. 60-579(2) of the Zoning Ordinance to increase the maximum building coverage in the General Business (GB) and Minot Avenue (GBII) zoning districts from 30% coverage to 60% coverage, and increase the maximum building coverage in the Industrial (ID) zoning district from 40% coverage to 60% coverage. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

MOTION to open Public Comment; Toni Ferraro, Second: Riley Bergeron.

Joe Tardif, owner of 353 Riverside Drive speaks in favor stating the need to grow the business and wanting to stay in this community.

Tim DeRoche asks staff why 60% was chosen for increased building footprint and not higher. Eric Cousens clarifies that that was due to looking at other zones and talking amongst staff,

MOTION: Riley Bergeron makes a motion; David Trask seconds.

I make a motion to make a favorable recommendation to City Council to amend text Chapter 60, Article IV, DIV 12, General Business, Sec 60-500 (2) DIV 13, General Business II, Sec. 60-526 (2) DIV 15 Industrial, Sec. 60-579 (2) to allow for a total lot area of 60 percent of commercial or office building density.

AMENDMENT: Tim DeRoche makes a motion; Darren Finnegan Seconds.

"I make a motion to amend the motion to raise it to 75% of commercial or office building density." VOTE 2-5-0 Motion fails.

VOTE: 7-0-0 Original Motion passes.

7. **EXTENSION:** 607 Lewiston Junction Road, LLC is requesting a one-year extension, for approval under Sec. 60-1308 for the construction of a solid waste processing facility in the Industrial District, (PID 142-004), 607 Lewiston Junction Road. Timing for the start of the project is delayed because the applicant is still waiting for all the necessary licensing. The request is pursuant to Sec. 60-1308- Expiration of approval.

Motion: David Trask; Second: Tim DeRoche(?)

"I make a motion to approve a one-year extension, until June 28, 2024, for approval under Sec. 60-1308 for the 7+/- acre development of Auburn Recycling Facility: 607 Lewiston Junction Rd., LLC, with conditions one through eight named in the Corrected Approval Letter dated 7/5/2022." **VOTE:** 7-0-0 Motion passes.

8. REVIEW PLANNING BOARD POLICIES AND PROCEDURES:

9. PUBLIC COMMENT:

10. MISCELLANEOUS:

- a. Upcoming Agenda Items
 - i. Update on Lake Auburn watershed discussions
 - ii. Upcoming zoning discussions

11. ADJOURNMENT

Auburn Planning Board meetings can be viewed LIVE on the City of Auburn YouTube channel (<https://www.youtube.com/c/CityofAuburnMaine>), and on Great Falls Television (Spectrum Cable Channel 11) when they are held.

Following live broadcasts, Planning Board meetings are *rebroadcast* at 7:00AM, noon, and 7:00PM on Tuesdays on GFTV and are available anytime on our YouTube channel.

Planning Board Meeting Minutes
7/11/2023

1. **ROLL CALL:** Amanda Guerrette*, Evan Cyr, Paul Jacques, David Trask, Riley Bergeron+, Stacey LeBlanc, Toni Ferraro.

*=elevated to full member until Riley Bergeron arrives

+ =arrived after roll call

Absent: Timothy DeRoche

2. **MINUTES: MOTION** to approve June 6, 2023, meeting minutes: Paul Jacques; second: Darren Finnegan. Evan Cyr abstains. **VOTE:** 6-0-1 Motion passes minutes accepted. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

3. **PUBLIC HEARING/ SPECIAL EXCEPTION: 431 Turner Street: Toni Ferraro, owner of Ferraro Realty, is requesting a change of use from retail to professional office at 431 Turner Street (Parcel I.D. 260-108). This proposal is pursuant to Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article IV, Division 14- Form-Based Code.**

Toni Ferraro recuses herself and exits Chambers.

Staff presentation by Katherine Cook, John Blais

Discussion amongst Planning Board and City Staff regarding parking spaces on corner of Turner St and French's Ln, parking sign on side of the building, and addressing access management issue in site plan.

MOTION to open public comment: Evan Cyr; **SECOND:** David Trask. **VOTE:** 6-0-0. Motion passes.

No participants for public comment.

MOTION to close public comment: David Trask; **SECOND** Evan Cyr. **VOTE:** 6-0-0. Motion passes.

MOTION to approve change of use from retail to professional office at 431 Turner Street (Parcel I.D. 260-108) proposal pursuant to Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article IV, Division 14- Form-Based Code with the following conditions: Remove the parking sign from the side of the building: David Trask; **SECOND:** Darren Finnegan.

MOTION to amend to include a condition to remove two parking spaces at the corner of Turner St. and French's Ln: Evan Cyr; **SECOND:** Darren Finnegan.

Discussion: Two parking spaces exist on site plan therefore should be included as condition; suggestion of no parking sign on side of building.

MOTION to approve amendment: Evan Cyr: **VOTE:** 4-2-0.

MOTION to amend the site plan to include a no parking sign on the French's side of the building in proximity to the parking spots to be removed: Evan Cyr; **SECOND:** David Trask. **VOTE:** 6-0-0. Motion passes.

MOTION to approve the original motion with two amendments passes. **VOTE:** 6-0-0.

Stacey LeBlanc recognizes Riley Bergeron as full member, Amanda Guerette as associate member. Toni Ferraro returns to Chambers as full member.

4. PUBLIC HEARING/ ZONING TEXT AMENDMENT/ PETITION: Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

Staff Report: Katherine Cook, John Blais

Staff recommends tabling vote until August 8th, 2023, to allow staff to see legal advice and prepare additional text amendments for consideration. Evan Cyr expresses concern regarding tabling due to 45-day time frame to hold a public hearing after submittal of petition.

MOTION to open public comment made by Evan Cyr and seconded by Paul Jacques. **VOTE:** 7-0-0. Motion passes.

Jeffrey Harmon of 34 Vista Dr speaks opposed to text change; states proposed change is not a clarification but a change. Mr. Harmon states it would create inconsistency with form-based code and cites legality issues.

Stephen Beale of 575 Johnson Rd speaks opposed to text change; urges PB to wait to make changes until outcome of current litigation is known.

John Cleveland of 183 Davis Ave speaks opposed to text change; states it's premature to act on it due to pending legal matters.

Jessica Klimek of Briarcliff Knoll speaks in favor of text change; states petition asks for clarification for setbacks.

MOTION to close public comment: David Trask; **SECOND:** by Evan Cyr. **VOTE:** 7-0-0. Motion passes.

Discussion amongst Planning Board and City Staff regarding tabling petition to seek legal counsel for text clarification.

MOTION to table the vote on amending Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023, until August 8, 2023, or such time that staff has been able to seek legal counsel on the text amendment as presented in the petition: Evan Cyr; **SECOND:** by Riley Bergeron. **VOTE:** 7-0-0. Motion passes.

Evan Cyr makes a request to the Chair to make an additional motion.

MOTION to direct Planning Staff to identify additional changes within the form-based code that are appropriate and needed, and that those changes be presented at the August 8, 2023, meeting or a meeting at which the Staff feels they are prepared to present: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0. Motion passes.

5. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA A: Consider changing the zoning within 936 acres within the New Auburn Residential areas and near Broad Street from Urban Residential, Multi-Family Suburban, Rural Residential and Low-Density Country Residential Districts to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan. This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation by Katherine Cook, John Blais.

Chair points out map updates, changes in staff suggestions within zones. Staff suggests tabling decision for all four areas in order to work out details, solidify maps for August 8, 2023, meeting. Discussion included water & sewer, city services in New Auburn, future mobility corridor.

MOTION to open public comment made: Evan Cyr; **SECOND:** David Trask. **VOTE:**7-0-0. Motion passes.

Ryan Smith of 14 Weaver St speaks in favor of tabling. Mr. Smith states zoning does not fit neighborhoods; encourages a public process like what occurred for agricultural zone.

Stephen Beal of 575 Johnson Rd reiterates that PB wait to make changes until outcome of current litigation is known.

Kelly Henry of 97 Loring Ave states area is not ready for multi-family units, is not equipped with city services to support the change.

Dee Chapman of 40 Vivian St speaks in favor of removing 15-acre lot in proposed zoning, taking a step back on New Auburn area.

Mike Adler of 82 Loring Ave speaks in favor of keeping zoning that is currently in place.

John Cleveland of 183 Davis Ave supports staff recommendation; states it's premature to act on changes with current pending litigation.

Jeff Harmon of 34 Vista Dr states it's premature to have items on agenda; encourages planning activities for public engagement.

Gary Simard of 157 Cook St speaks about safety issues that arise from congestion.

Gerard Drouin of Lane Rd speaks about safety concerns regarding allowance of group home on Lane Rd.

Walter Crites of 69 and 108 Loring Ave speaks about concerns regarding zoning process; states "blanket" T-4.2B is not appropriate.

Bruce Rioux of 85 Mary Carroll St speaks opposed to zoning changes; states concern about new owners not living in the community.

Louise DeCoteau of Lucille St speaks opposed to zoning changes.

MOTION to close public comment: David Trask; **SECOND:** Toni Ferraro. **VOTE:** 7-0-0. Motion passes.

Discussion regarding allowance of group homes; suggestions from the public of more community engagement and workshopping opportunities.

MOTION to table the decision on this item to a date certain of August 8th, 2023, for Area A as described in the staff report and presented in the public hearing and shown on the attached map from Urban Residential, Multifamily Suburban and Rural Residential to T-4.2 B with the five modifications identified in the staff report and the direction that staff hold neighborhood conversation in this neighborhood and that part of that conversation consists of residents being able to provide feedback as deemed appropriate by staff. And that those be noticed on social media and in the paper: Evan Cyr; **SECOND:** Davis Trask. **VOTE:** 7-0-0. Motion passes.

6. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA B: Consider changing the zoning for 19 acres in the Vickery Road area from Urban Residential District to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation by John Blais

Discussion around why Area B does not connect to Area A. Staff explains that this is about Sewer and water availability, and transportation. Evan Cyr specified that his preference is that Area A extend down South Main Street rather than to Broad Street. Staff reiterates that this option may not work because of sewer and water availability and future transportation feasibility plans.

MOTION to open public comment: Evan Cyr; **SECOND**: David Trask. **VOTE**: 7-0-0.

MOTION to close public comment: Evan Cyr; **SECOND**: Toni Ferraro. **VOTE**: 7-0-0.

Discussion that Stacey LeBlanc agrees with Evan Cyr's proposal that Area B should be connected to Area A.

MOTION to table the decision to a date certain of August 8th, 2023, for Area B described in the staff report and presented in the public hearing and shown in the attached map from Urban Residential to T-4.2B with the following modifications that the map be updated to match the color of the existing zoning and that staff provide an alternative option demonstrating continuity between Area A and Area B and that staff hold a neighborhood conversation regarding this area in compliance in compliance with the description of the neighborhood conversation from item A: Evan Cyr; **SECOND**: Toni Ferraro. **VOTE**: 7-0-0.

7. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA C: Consider changing the zoning for approximately 148 acres within the Poland, Manley, Hotel Road Residential area from Suburban Residential and Urban Residential zoning districts to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan. This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation from John Blais. Discusses the recommended changes to the Area C map.

MOTION to open public comment by Evan Cyr; **SECOND**: David Trask. **VOTE**: 7-0-0.

MOTION to close public comment made by Evan Cyr; **SECOND:** Darren Finnegan. **VOTE:** 7-0-0.

MOTION to table the decision to a date certain of August 8th, 2023, for Area C described in the staff report a presented in the public hearing and shown on the attached map from Urban Residential and Suburban Residential to T-4.2B with the modifications identified in the staff report and directing staff to hold a neighborhood conversation for this area utilizing the same directives from the two previous items: Evan Cyr, **SECOND:** Toni Ferraro **VOTE:** 7-0-0.

8. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA D: Consider changing 288 acres within the Bates, Bradman, Stetson Road Residential area from Urban Residential, General Business and Multi-Family Suburban zoning districts to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan. This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation from John Blais included removing most of the acreage owned by YMCA because T-4.2B would not allow for their recreation facility. Staff suggested including a 100 ft. strip of T-4.2B along North River Road to add value. The planning board discusses hesitation because this appears like strip zoning to benefit a landowner. Motion to open public comment by Evan Cyr, Second by David Trask. **VOTE:** 7-0-0.

MOTION to close public comment: Evan Cyr; **SECOND:** Toni Ferraro. **VOTE:** 7-0-0.

MOTION to table the decision to a date certain of August 8th, 2023, for Area D described in the Staff Report, presented in the public hearing, and shown on the attached map from Urban Residential General Business, and Multifamily Suburban to T-4.2B with the following modifications: update map to reflect matching color of existing zoning, and direct staff to have a neighborhood conversation regarding Area D that meets the qualifications for the previously described neighborhood conversations by Evan Cyr; **SECOND:** Paul Jacques. **VOTE:** 7-0-0.

9. EXTENSION: Brickyard Commons is requesting an extension of the approvals for the Brickyard Commons project originally approved on June 28, 2022. this item is pursuant to Sec. 60-1308.- Expiration of approval.

Staff presentation by Katherine Cook.

Applicant, Mike Gotto explains that DEP approval was received in September after the appeal period, and the agreement fell apart due to the financing. They are planning to go forward with the projects as they have two years with DEP approval.

Discussion about whether the reason was adequate to warrant extension. Further discussion about DEP permit and potential chemical spill. Mike Gotto explains that these accusations are false.

MOTION to approve a one-year extension until June 28th, 2024, for an extension to be granted to Brickyard Commons Project originally approved on June 28th, 2022, under Section 60-1308 with all conditions of the letter of approval sent on September 19th, 2022" by Riley Bergeron; **SECOND**: Toni Ferraro. **VOTE**: 5-2-0.

MOTION to initiate a zone change amendment to the code of ordinances definitions in Agricultural and Resource Protection District 60 and that we hold the public meeting at the next August 8th meeting on the amendments approved by us on 6/6/2023 so we can have further conversation about those: David Trask; **SECOND**: Evan Cyr. ** Vote after discussion.

Discussion: Evan Cyr agrees with David Trask's motion because he has been dismayed at the jubilation around Proposal B because more people need to be recognized as being a part of it, and there are deficiencies in the proposal that Council adopted. David Trask clarifies that he would rather have a public hearing over the workshop.

****VOTE**: 7-0-0.

August 8, 2023, Meeting Minutes

1. **ROLL CALL:**
2. **MINUTES: MOTION** to pause on reviewing minutes because they were just received before the meeting: Evan Cyr; **SECOND:** Toni Ferraro (?). **VOTE:** 7-0-0
3. **PUBLIC HEARING / ZONING TEXT AMENDMENT/ PETITION:** *Consider a proposed text change to Sec. 60-548B-Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map. This item was tabled at the July 11, 2023, meeting.*

Eric Cousens presents staff report and recommends that the Planning Board not recommend the text change as presented in the petition.

David Trask asks if Auburn has obtained a legal opinion about the petition language. Eric Cousens answers that legal has reviewed the language that staff will present in the next item, and we do not believe any text change would apply retroactively.

MOTION to open public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

Jeffrey Harmon of 34 Vista Drive cites Maine law requiring consistency and prohibiting retroactivity, and states that measuring the setbacks as staff interprets would be contradictory to Form Based Code.

Stephen Beal of 575 Johnson Road reiterates that Maine law prohibits retroactivity and reminds the Board that there is an ongoing legal proceeding that may render any decision the Board makes invalid or useless.

MOTION to close public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0.

Discussion: Evan Cyr asks why retroactivity would apply, to which staff clarifies that they do not believe it would. Amanda Guerrette asks for a legal opinion, which staff confirms has been given on the language for Item #4.

MOTION to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0.

4. PUBLIC HEARING/ FORM BASED CODE TEXT AMENDMENT: Consider a proposed text change for Sec. 60-548B, T-4.2B pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade.

Eric Cousens presents staff recommended language and explains the differences between the current zone and staff's recommendations.

MOTION to open public comment: Evan Cyr; **SECOND:** Toni Ferraro

Ryan Smith of 14 Weaver Street brings up example of possible nonconforming homes taking a strict interpretation of the setback proposed clarification. He postulates that driveways would need to be at least 5 feet from garages. Raises concern about inconsistency and nonconformity.

Jeffrey Harmon of 34 Vista Drive believes that staff recommending clarifying language for T-4.2B shows that original interpretation of the ordinance language was wrong. States measuring setbacks from accessways contradicts the codified purpose of Form Based Code.

Stephen Beale of 575n Johnson Road warns that making a decision on T-4.2B language now will complicate an existing case in Superior Court. Does not recall a Petition, Planning Board, or Council initiating the item.

Jessica Klimek is the developer of Stable Ridge Apartments and believes that the language from staff only clarifies what staff has been acting on before the 555 Court Street Development, states that the Plaintiff's argument in the superior court case is because he is an abutter.

MOTION to close public comment: Evan Cyr; **SECOND:** David Trask **VOTE:** 7-0-0

Discussion: David Trask asks if there have been other issues folks have raised regarding the clarity of Form Based Code T-4.2B, to which Eric responds that there have been many conversations around small infill projects.

Amanda Guerrette asks if the city attorney has reviewed the initial approvals of Stable Ridge Apartments to which Eric Cousens responds that they do not review all projects, but they did review the language that staff is proposing for the clarifying text amendment, and that the interpretation staff seeks to clarify is clear in the Comprehensive Plan.

Riley Bergeron asks how this item was brought before us prompted by public comment. ERic Cousens reminds the Board that on July 11, the Board made a two-part motion to table the citizen petition and for staff to bring back additional changes for consideration applied to T-4.2B as needed.

Amanda Guerrette inquiries about what may happen to nonconforming homes. Eric Cousens answers that they are allowed to remain there but may have to be relocated if destruction crosses a certain threshold.

Evan Cyr asked for clarification on public comment, about whether there does in fact need to be at least five feet of grass between driveways and garages. Staff clarify that there us some flexibility on the language.

Riley Bergeron asks if this is at all applies past decisions, and Eric Cousens confirms that this zone change would clarify existing language and hopefully reduce future litigation.

Amanda questions feasibility of creating new zone. Eric Cousens explains the mechanisms for the Board to pursue this change.

MOTION: I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

- 1) Sec. 60-548B- 1. Intent and Purpose "setback",
- 2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.
- 3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.
- 4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing

access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document): David Trask; **SECOND:** Evan Cyr

5. **PUBLIC HEARING / ZONING MAP AMENDMENT / T-4.2B AREA A1: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.**

Eric Cousens presents changes in Area A1 from July 11, and details how Form Based Code allows some flexibility as LD 2003 is implemented.

Discussion about reason for extending zone recommendation down Broad Street to south of Witham Rd including increasing density to the Washington Street corridor creating the possibility to extend water and sewer to the area and build future possible road connection.

Evan Cyr asks how this sewer and water connection would pass the active rail line, to which staff responds that it might run along Hackett Road.

Staff will share sewer study with Board.

MOTION to open public comment: Evan (?); **SECOND:** Stacey LeBlanc. **VOTE:** 7-0-0.

Mike Adler of 82 Loring Ave. states that it is not Auburn's responsibility to provide housing, sites concern about small setbacks from other houses. He also believes this zone change is deceiving and asks the city to leave the neighborhood alone.

Ed Barrow speaks on behalf of the Skelton family who owns the parcels south of Witham Road along Broad Street. Asks Board to keep A1 maps as they are and offer favorable recommendation.

MOTION: to close public comment: Evan Cyr; **SECOND:** David Trask. **VOTE:** 7-0-0.

Discussion covers that LD 2003 will necessarily bring change to the area, and that some Board members, notable Evan Cyr and David Trask, feel that the T-4.2B proposal along Broad Street should be down South Main Street past Vickery Road instead. Staff specifies that this was proposed as a start, and we can add South Main Street in future zone changes

Discussion about timeframe for possible new turnpike exit and connection corridor. Staff states that the funding concept was approved last week, and we may have a feasibility study scope soon. It could still be decades before this development.

MOTION to recommends amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1): Paul Jaques; **SECOND:** Darren Finnegan. **VOTE:** 5-2-0.

6. **PUBLIC HEARING / ZONING MAP AMENDMENT / T-4.2B AREA A2: *Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.***

Katherine Cook presents differences between "Area A" as presented July 11, 2023, and Area A2, discussion of why this area was split where it was.

MOTION to open public comment: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0.

Dee Chapman of 49 Vivian Street asks if the city is obligated to implement LD 2003. Asks for Area A2 to be removed from the proposal. States that the city should care more about people who grew up in Auburn and live in the neighborhood than people from out of town.

References car crash in Sanford that killed two pedestrians. States that people from out of town will not respect their neighborhood.

Ryan Smith of 14 Weaver Street sites page 5 of LD 2003 guidance and says multifamily homes will only be allowed where they are currently allowed. Asks the Board to table this item and hold a workshop. Believes there are too many notifications that the city sends out. Is concerned about public safety.

Pam Rousseau of 745 West Auburn Ave states that the Planning Board needs to air on the side of caution when making decisions.

MOTION to close public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

Discussion: David Trask asks about traffic concern. Staff answers that this is being addressed and will be addressed in future development reviews. By showing the State that we are aligning with their goals, the city is more likely to gain access to funding for infrastructure improvements.

Evan Cyr notes that the fire station is local to that street, and he has never experienced public safety being a problem in this neighborhood.

Toni Ferraro asks what is allowed currently versus what may be allowed later. Staff described LD 2003 and the densities that the state law will mandate.

Discussion that if we removed 37 Loring from the zone change, that would be spot zoning.

Stacey LeBlanc is not comfortable supporting the zone change.

MOTION to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map: Evan Cyr; **SECOND:** Paul Jacques. **VOTE:** 3-4-0

MOTION to not recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open

Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map: David Trask; **SECOND:** Toni Ferraro. **VOTE:** 4-3-0

- 7. PUBLIC HEARING / ZONING MAP AMENDMENTS / T-4.2B AREA B1 & B2: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Vickery Road.**

Katherine presents map showing changes since Area B map of 7/11/2023. Discussion around reasoning for showing a "strip" attaching area B1 to A1. Dave Trask states his preference is to have the T-4.2B zone follow the parcel lot lines south of what is shown on the presented map.

MOTION to open public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0

Pam Rousseau of 745 West Auburn Road says this zoning map proposal seems odd.

Kate Mahoney of 225 Vickery Road asks why the lots are proposed to be split zoned, and what the plan for extending water down to Vickery is.

Kathy Shaw of 1200 Sopers Mill Road comments that she does not think the city does and should endorse strip zoning.

MOTION to close public comment: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0

Discussion includes water and sewer considerations and plans and strip zoning concerns.

Evan Cyr believes we should table this item to come up with alternative maps.

Planning Board gives direction to extend proposed map down South Main Street to the turnpike.

MOTION to table this hearing to a date uncertain and ask staff to present workshop materials on the possibly six** options that were considered at the staff level, an option that would bring the lot line of the zoning to the rear of the lot lines and bisect one of the parcels as was described by Eric and an option that represents what is shaded right now with staff feedback on

the implications of each of those along with any information that's relevant regarding the feasibility studies with water and sewer: Evan Cyr; **SECOND:** David Trask. **VOTE:** 6-1-0

Eric notes that four of the six options are strip zones, so staff will bring back the two described in the motion for the next regularly scheduled planning board meeting.

8. **PUBLIC HEARING / ZONING MAP AMENDMENTS / T-4.2B AREA C: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads.**

Eric Cousens presents map changes since 7/11/2023

MOTION to open public comment David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

Pam Rousseau of 745 West Auburn Road asks that maps include road names.

Discussion: Amanda Guerrette asks weather this zone change will increase people's tax value. Staff answers that the zone change alone will not cause taxable value to change, but they anticipate it will over time because the zone is more dynamic.

MOTION to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0.

9. **PUBLIC HEARING / ZONING MAP AMENDMENT / T4.2B AREA D: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is**

pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.

Katherine Cook presents differences in present map since the last meeting.

MOTION to open public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

MOTION to close public comment: Evan Cyr; **SECOND:** Toni Ferraro. **VOTE:** 7-0-0.

MOTION to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D; Evan Cyr; **SECOND:** Paul Jacques. **VOTE:** 7-0-0.

10. PUBLIC HEARING / AGRP TEXT AMENDMENT (Proposal B1) PLANNING BOARD PROPOSED CHANGES NUMBERS ONE THROUGH EIGHT: *Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.*

Eric Cousens presents amendments 1-8, reviews their implications.

MOTION to open public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0

Joe Gray of Soper's Mill Road speaks against the amendment adding 400 ft. As the maximum depth to add residential development because of their lot constraints on Fickett Road as active farmers. Believes 400 ft limit is arbitrary and doesn't work for different lots.

Stephen Beale of 575 Johnson Road is a member of the citizen AGRP zone group, speaks in support of proposal B1, Amendments 1-8. He has no comment on Joe Gray's concern about the 400 ft limitation, and urges planning board to consider adding an absolute minimum lot size of 20,000 sq. Ft. To conform with the state plumbing code.

Kathy Shaw of 1200 Soper's Mill Road is part of the citizen AGRP zone group, and generally is in favor of the amendments but asks the Planning Board to reconsider the 400 ft limitation in siting housing. She explains that they will want to site their farm operation and store closer to the road and there are site limitations limiting them from building housing less than 400 ft. From the front property line.

MOTION to open public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0

Discussion around whether there is a variance or waiver process for front setback for cases like what was presented in public comment, and clarification on the minimum lot size. Staff says that it is unclear if there is an appropriate variance process, and that 20,000 square feet is the minimum lot size for unsewered lots in all zones of the city.

MOTION to close public comment: Evan Cyr; **SECOND** Toni Ferraro. **VOTE:** 7-0-0

MOTION to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached: Evan Cyr; **SECOND** Riley Bergeron. **VOTE:** 7-0-0

9:04 p.m. MOTION: that we do move forward with items number eleven and twelve, and not to last any greater than 9:30: Evan Cyr, **SECOND:** Toni Ferraro

11. **PUBLIC HEARING / AGRP TEXT AMENDMENT (Proposal B3) PLANNING BOARD PROPOSED CHANGE NUMBER NINE: *Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone and the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-0620203 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.***

MOTION to open public comment: Evan Cyr; **SECOND** Toni Ferraro. **VOTE:** 7-0-0

Pam Rousseau of 735 West Auburn Road asks for clarification about how this motion interacts with the other AGROP zone text amendments.

MOTION to close public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0.

Discussion: David Trask gives reason he proposed this amendment as concern for water quality.

MOTION to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.: Riley Bergeron; **SECOND** Paul Jacques. **VOTE:** 6-1-0

AMEND MOTION to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 6-1-0

VOTE: on amended motion: 6-1-0.

12. **PUBLIC HEARING / AGRP TEXT AMENDMENT (Proposal B2) PLANNING BOARD PROPOSED CHANGE NUMBER TEN:** *Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.*

MOTION to open public comment: Evan Cyr; **SECOND:** David Trask. **VOTE:** 7-0-0

Joe Gray asks for clarification from staff on use of the term "land." Staff verifies that one can still build on land not in tree growth.

Stephen Beale from 575 Johnson Road points out that removing a parcel from Tree Growth imposes significant monetary penalties. Does not feel that adding an additional penalty is necessary.

MOTION to close public comment: Evan Cyr; **SECOND: David Trask.** **VOTE:** 7-0-0.

I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0

13. **PUBLIC COMMENT:**

14. **MISCELLANEOUS:**

- a. Upcoming Agenda Items

15. **ADJOURNMENT: MOTION** to adjourn: Evan Cyr; **SECOND:** Darren Finnegan. **VOTE:** 7-0-0.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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Draft Minutes September 12, 2023

1. PRESENTATION ON UTILITY EXPANSION IN SOUTH AUBURN **Beginning at 5:30 p.m.*

Jeff Preble from Wright Pierce presents on sewer study. The areas included are from South Main Street area out to Broad Street and Mill Street and into the Carrier Court neighborhood and south to Hackett Road. The study area for sewer is also on Washington Street from Brickyard Circle to Hardscrabble. There are two separate pressure zones for water. Most of the area described is in the high-pressure zone, but around Vickery Road it becomes the low zone; makes a difference when connecting between the two system.

Evan Cyr asks if the low zone means that pumps are required. Jeff Preble answers that there are pressure reducing stations or valves at connecting points for fire purposes and maintains circulation. Connection Points are at Carrier Court, Hector Street, and Vickery Road, also South Main and Ipswich and ends at Mill Street and Broad Street. The area by exit 75 is served by a pump station on Washington Street which connects by a forced main up Hardscrabble Road. There is an area by Filomar and Washington where there is sewer service and Brickyard Circle. On Riverside Drive, the water system ends at Delektos and on Mill and Broad and more area served on Washington Street for the water system compared to the sewer.

The study considered phases. The Vickery Road area makes sense to consider first to Prospect Hill or to Witham Road and Broad Street depending on development plans. They look at the elevations to determine where pump stations may be needed. By Prospect Hill golf course, the low part of the Street is by Lubear, so this would need a pump station, but they also need to connect to existing stations. This is the same for lower Broad Street. This area would require a few pump stations because it is hilly.

On Washington Street, must consider how to cross Little Androscoggin River.

Focusing on the South Main area, the connection could go from Ipswich and South Main Street down Vickery Road to Riverside. To get a gravity system there, they would need to run through the gully. Riverside flows to the treatment plant by gravity. John asks why they are considering tying into Hector specifically why they would go cross-country instead of along the roadway. Jeff Preble says that going off the road and seeking easement would be to get a gravity connection.

Evan Cyr asks the difference between gravity using an easement and a pump station.

The line may also need to veer off the road down Main Street to LuBear to achieve a gravity flow. There could also be gravity from Lane down to Lubear. There is also a potential to move along the Turnpike.

Jeff Preble talks about the difficulty of crossing railroad tracks by Hackett Road.

They outlined phases to tie in dead ends incrementally. Jeff Prebble reviews map of expansion phases.

Evan Cyr asks why we may expand down Broad Street over South Main.

Jeff Preble says that while it depends on the development pattern, the Broad and Mill Street connection will be necessary to achieve fire flows. The model was made to achieve high-density fire flows.

Wright-Pierce looked at an eight- and twelve-inch loop at Broad Street and twelve inches from South Main toward Vickery and on Riverside and twelve inch down at the Riverside area. There must be a minimum of 20 PSI to 80 or 90 PSI. Jeff Prebble shows map depicting eight-inch line and twelve-inch line. Jeff Prebble shows the possibility of cross-country connection close to South Main Street and Vickery Road including possibly through Parcel ID 183-029.

Eric Cousens states that the city is working on a grant application to expand services to the Vickery area including sidewalks and connecting dead end water mains which would improve water quality.

2. ROLL CALL:

Present: Darren Finnegan, Tim Deroche, Paul Jacques, Stacey LeBlanc, Evan Cyr, Amanda Guerrette, Riley Bergeron. *Toni Ferraro and David Trask are absent so Tim DeRoche and Amanda Guerrette will be elevated to full members for the duration of the meeting.*

3. **MINUTES:** Review July 11, August 8, and August 10, 2023, meeting minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

Motion to approve the Minutes from July 11th, August 8th, and August 10th: Darren Finnegan; **second:** Evan Cyr. **VOTE** 7-0-0 motion passes.

4. **PUBLIC HEARING / SITE PLAN REVIEW/ SPECIAL EXCEPTION:** Diamond Point Development, LLC is proposing the development of a three-story self-storage facility located on Turner Street, and Center Street, Parcel I.D.s 251-019, 251-021, and 251-022. This item is pursuant to Chapter 60, Article IV, Division 12 General Business District, Chapter 60, Article XVI, Division 2-Site Plan Review, and Chapter 60, Article XVI, Division 3- Special Exception

Katherine Cook presents the staff report.

Andrew Kurmin, Aaron Sommer, and Ricardo De Rojas attended the meeting to answer questions.

Tim DeRoche asks where snow will be pushed on site to not obstruct other properties. The applicant points out the few areas available for this purpose.

The board questions whether the waiver for loading dock dimensional requirement is needed.

Motion to open public comment: Paul Jacques; **second:** Riley Bergeron. **VOTE** 7-0-0 motion passes.

Motion to close public comment: Evan Cyr; **second:** Riley Bergeron. **VOTE** 7-0-0 motion passes.

Eric Cousens comments that this site plan provides a public good for the city.

Motion: Evan Cyr; **second:** Paul Jacques. “I make a motion to grant waivers to the site plan and special exception the site plan for the four waivers described on page three of five under section 3 in the staff report dated September 12th, 2023.” **VOTE:** 7-0-0 Motion passes.

Motion: Evan Cyr; **second:** Paul Jacques. “I make a motion to approve the proposed three-story self-storage facility located on Turner Street Parcel IDs 251-019, 251-021, and 251-022 to include the waiver requirements previously approved by the board as presented in the report and in the attached application with the following conditions: 1.) that the site will be right turn only entering and exiting, 2.) the gated access shown on the plan will remain gated with access only for emergency vehicles and CMP who has an easement to use this access, 3.) obtain an NRPA Permit-By-Rule to place stormwater outlet systems within 75 feet of the high-water line prior to construction, 4.) Receive a stormwater management permit prior to construction, 5.) Receive a Tier-1 wetland permit from the Maine DEP prior to construction, 6.) Receive a general permit from ACOE prior to construction, 7.) obtain a Maine General Construction Permit from the Maine DEP prior to construction, 8.) grant the City of Auburn a 20-foot-wide easement along the river for a future path as depicted on the site plan, 9.) no development activity shall occur until all permits have been received from Code Enforcement, and 10.) no development activity shall occur until all bonding and inspection fees have been determined by the engineering department.” **VOTE:** 7-0-0 motion passes.

5. **PUBLIC HEARING / SITE PLAN REVIEW/ SPECIAL EXCEPTION:** Life Forest Management Company in Partnership with Whistle Ridge Farm are proposing a conservation cemetery for the burial of cremains on Trapp Road shown on Auburn’s GIS system as Parcel I.D. 035-009. No buildings are a part of this proposal, and all practices will be in line with accepted conservation standards. This item is pursuant to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District, Chapter 60, Article XVI, Division 2-Site Plan Review, and Chapter 60, Article XVI, Division 3- Special Exception.

Staff report presented by Katherine Cook

Discussion: Riley Bergeron asks whether the Veteran Burial waiver form is enough to alleviate the maintenance responsibilities for municipalities. Staff answers that the requirement to keep the headstones clear of overgrown grass, fallen branches, etc. does not apply because this is not classified as a cemetery from the state’s perspective because there will be no full-body burials.

Motion to open public comment: Evan Cyr; **second:** Riley Bergeron. **VOTE:** 7-0-0.

Motion to close public comment: Evan Cyr; **second:** Riley Bergeron. **VOTE:** 7-0-0.

Motion: Evan Cyr; **second:** Tim DeRoche. “I make a motion to approve the proposed conservation cemetery at Parcel I.D. 035-009, as described in the materials provided in this hearing, seeing that they meet the findings described in the staff report with the following conditions: 1.) the conservation cemetery shall only bury cremains, and no full-body burials will occur at the site; 2.) construction of bog bridges will be used for all wetland crossings; 3.) all required State approvals will be sought and

gotten to include CDC and Vital Records; 4.) and that the city Engineering Dept. shall inspect paved apron.” **VOTE:** 7-0-0 motion passes.

6. **PUBLIC HEARING/ SITE PLAN REVIEW/ SPECIAL EXCEPTION:** Residuals Management International, LLC is proposing a business recycling wooden pallets with employee housing at 249 Merrow Road, Parcel I.D. 186-012. The site has an existing office building, work building, and warehouse. The applicant is proposing minor site grading and construction. This item is pursuant to Chapter 60, Article IV, Division 15- Industrial District, Chapter 60, Article XVI, Division 2-Site Plan Review, and Chapter 60, Article XVI, Division 3- Special Exception.

Staff report presented by John Blais.

Discussion: Tim DeRoche asks about whether there is a plan for possible soil contaminates. Staff explains that there was no reason to expect the applicant should have done an environmental assessment based on the scope of the work. Staff suggests that a condition of approval could be to get the well tested for water quality and to hook up to city sewer and water.

Jeff Allen from AE Hodsdon Engineers speaks on behalf of the project that the soil may have come into question if they were grading the site, but they are only installing a loading dock. Also mentions that paper, plastic and cardboard will be recycled at the site. Agent also explains what recycling wood pallets entails.

Motion to open public comment: Evan Cyr; **second:** Darren Finnegan. **VOTE:** 7-0-0

Mark Ferguson of 51 Carpenter Road in Poland Spring Maine, friend of Peter Bolduc, the applicant, describes how the loading dock and other efforts on the site have gradually cleaned it up since they acquired it, and the benefits of having folks recovering from chemical dependencies working.

Maureen O’Brien of 42 Winter Street asks if this is a drug treatment residential program. Staff clarifies that it is a business that happens to employ people in recovery. Any occupancy under eight people must be looked at as a single-family home.

Motion to close public comment: Evan Cyr; **second:** Darren Finnegan. **VOTE:** 7-0-0

Amanda Guerrette asks if there will be a supervisor living in the home with the residents working on the site.

Peter Bolduc of 840 Bakers Town Road in Poland Maine, applicant, says that this is not a medical facility of any kind, but for men who are advancing in recovery and are stepping up to the next level. There are more senior men who exhibit leadership qualities who will be in the house. It is a holistic program altogether.

Motion: Riley Bergeron; **second:** Evan Cyr. “I make a motion to approve the proposed recycling business with employee housing at 249 Merrow Road, Parcel I.D. 186-012. Pursuant to Chapter 60, Article IV, Division 15- Industrial District, Chapter 60, Article XVI, Division 2-Site Plan Review, and Chapter 60, Article XVI, Division 3- Special Exception. with the following conditions: 1.) No development activity until any bonding or inspection fees are determined by the Auburn Engineering

Department if required; 2.) no development activity until all building permits are secured by Code Enforcement; 3.) no cutting of existing buffer areas.” **VOTE:** 7-0-0.

7. **PUBLIC HEARING Realignment of Miller Street (150 +/- feet):** This section of road is shown on the map below and is part of larger project to develop the commercial and residential space at 186 Main Street. This project will adhere to Chapter 46, Article VI, Division 3, Section 46-374 and Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies.

John Blais presents the staff report

Discussion: Evan Cyr asks where the road alignment is in the process with Council. John Blais answers that regardless of what project is at 186, the road realignment will serve a public good.

Motion to open public comment: Evan Cyr; **second:** Paul Jacques. **VOTE** 7-0-0

Motion to close public comment: Evan Cyr; **second:** Darren Finnegan. **VOTE** 7-0-0

Motion: Evan Cyr; **second:** Amanda Guerrette. “I make a motion to provide a positive recommendation to discontinue a 90.94-foot section of Miller Street and realigning a 125.34-foot section of Miller Street more fully described in Exhibit A and Easement Plan dated May 5th, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 of Maine State Statute as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) of Maine State Statute and under Sec. 46-374 of the City of Auburn Ordinance.” **VOTE:** 7-0-0 motion passes.

8. **PUBLIC HEARING Discontinuance of Chestnut Street (250+/- feet):** This section of road is shown on the map below and is part of larger project with the redevelopment of the PAL Center. This project will adhere to Chapter 46, Article VI, Division 3, Section 46-374 and Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies.

John Blais presents staff report.

Motion to open public comment: Evan Cyr; **second:** Paul Jacques. **VOTE** 7-0-0

Maureen O’Brian of 42 Winter Street is concerned about the cost and construction of the proposed PAL Center. Believes that City should prioritize maintenance and other projects before this. States that we do not need this.

Joe Maley of 82 Webster Street is neither for nor against the project but has the following questions: 1.) Is the facility just for youth? 2.) What is the expected use of the building? 3.) Why do we need to close Chestnut Street? 4.) How many businesses has the Board allowed to close a street for? 5.) Have there been any traffic studies? 6.) Will the closed part of Chestnut be accessible to cross for the public?

Judy Rousseau-Gagnon of 9 Walnut Street is concerned about making the exit from the PAL Center on Walnut Street because of speeding and kids who live on the street. Also asks how the city will handle parking because of the narrow width of the street

Russell Stewart of 13 Walnut Street lives on the corner and is concerned about the safety of his kids because of the existing speed of cars coming around the corner. Asks that the road be kept a dead-end.

Motion to close public comment: Evan Cyr; **second:** Darren Finnegan. **VOTE** 7-0-0

Discussion: Planning Board asks staff to answer the questions that the public asked. John Blais clarifies that traffic study will be done under site plan review, but not at this stage. He also maintains that there will be pedestrian and bike access through the park, but no motorized vehicles. Discusses the benefits of the PAL Center. The need to close the road is about safety and leveraging land and water conservation funds for future projects. Evan Cyr asks if Walnut St. will continue to be an outlet for the PAL Center. John Blais clarifies that there will be more outlets than just this.

Motion: Riley Bergeron; **second:** Tim DeRoche. "I make a motion to provide a positive recommendation to discontinue (252.05') section of Chestnut Street which more fully described in Exhibit B and Easement Conveyances & Partial Discontinuance Plan dated August 31st, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and under Sec. 46-374 of the City of Auburn Ordinance." **VOTE:** 7-0-0 motion passes.

9. **EXTENSION:** Business Real Estate, LLC is requesting an extension of the approvals for the warehouse project located at 1145 Center Street, Parcel I.D. 325-048. The project was originally approved on August 9, 2022, and is pursuant to Sec. 60-1308.- Expiration of approval.

Katherine Cook presents staff report.

Discussion is about whether the one-year extension is sufficient because building costs may not go down. Eric Cousens suggests that in the future, the city consider an ordinance change to allow for an initial approval timeline of two years to reduce the number of extension requests.

Motion: Darren Finnegan; **second:** Paul Jacques.

"I make a motion to approve a one-year extension, until August 9, 2024, for be granted to Business Real Estate, LLC under Sec. 60-1308. All conditions of the Letter of Approval sent on August 9, 2022, apply." **VOTE:** 7-0-0 motion passes.

10. **WORKSHOP/ ZONING MAP AMENDMENT: Area B:** Consider two different options to rezone "Area B," generally located between Vickery Road to the Maine Turnpike. This workshop is based on direction from Planning Board on August 8, 2023.

Katherine Cook presents the staff report

Discussion: Evan Cyr asks what the closest zone is to what the Comprehensive Plan suggests would be. The area south of Vickery Road supports suburban growth.

Eric Cousens believes that Option 1 is closer in line with the Comprehensive Plan than Option 2 and offers for staff to bring another zoning district closer to the eight-unit per acre density that the Comprehensive Plan recommends.

Amanda Guerrette supports option 1 because it is close to the Comprehensive Plan.

Evan Cyr believes that Option 1 is what we are best able to move forward with right now, but asks to keep discussing Option 2, even if it requires a Comprehensive Plan amendment.

Riley Bergeron agrees with Evan Cyr.

Evan Cyr asks that in the next month or two, if Option 2 does not appear in October's packet, that the board at least have a workshop to discuss how we could pursue Option 2, and to discuss a possible amendment to the Comprehensive Plan and what it would take to apply a new zone to the residential growth areas of the Future Land Use Plan. Staff agrees to have a public hearing on Option 1 in October and workshop a zone that supports eight units- acre for November. Eight units per acre will not require a comprehensive plan change and could be accomplished with one of the less urban form-based code transects.

11. **WORKSHOP/ TEXT AMENDMENT/ MINIMUM DWELLING SIZE:**

John Blais presents the staff report.

Discussion about size limits for financing.

Evan Cyr is concerned that reducing minimum home size because he thinks it could encourage people to create the smallest lots possible with cash purchases and does not achieve its goals of creating more opportunity to build equity.

Evan Cyr and Stacey LeBlanc do not think permanent homes that are 190 square feet should be encouraged.

Staff has been directed to initiate a public hearing to set minimum home size to 400 square feet.

12. **PUBLIC COMMENT:**

Stephen Beale of 575 Johnson Road suggests that behind every text or map amendment there was a note in parentheses that specifies "Planning Board Origination," "Council origination," or "petition origination." This may make it easier for the board and the public to understand the timeline and reason for each item.

13. **MISCELLANEOUS:**

- a. Upcoming Agenda Items
- b. Eric Cousens prepares the Planning Board to prepare for the Lake Auburn Watershed changes. Eric Cousens will check how the watershed boundary change is getting initiated.

14. **ADJOURNMENT**

Motion to Adjourn: Evan Cyr; **second:** Darren Finnegan. **VOTE: 7-0-0**



City of Auburn, Maine

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Minutes

October 10, 2023

1. ROLL CALL:

Darren Finnegan, David Trask, Paul Jacques, Stacey LeBlanc, Evan Cyr, Tim DeRoche, Amanda Guerrette, Toni Farraro.

Stacey LeBlanc elevates Amenda Guerrette and Tim DeRoche from associate members to full members.

2. MINUTES: Review September 12, meeting minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

MOTION: Evan Cyr makes a motion to approve the minutes; **SECOND:** Paul Jacques seconds the motion. **VOTE:** 7-0-0 motion passes.

3. PUBLIC HEARING/ZONING MAP AMENDMENT T-4.2B “AREA B”: Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item was initiated by the City Council and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

Katherine Cook presents the staff report.

David Trask asks if all areas have water and sewer and what the timeline is for the installation

Eric Cousens answers that there is a grant application underway and the increased density will help to get resources to this area.

MOTION: Evan Cyr makes a motion to open public comment; **SECOND:** David Trask seconds

Pam Rousseau of 745 West Auburn Road voices concern about water for this area, and the push for more density amidst LD 2003, discusses definition of multifamily dwellings, and asks to not make changes based on this new state law.

MOTION: Tim DeRoche makes a motion to close public comment; **SECOND:** Evan Cyr seconds.

Tim DeRoche asks if Lake Auburn has capacity to supply this area with water. Eric Cousens answers that it does.

Evan Cyr remarks that Lake Auburn is at half capacity and that LD2003 does not affect areas that do not have a density cap, like in form-based code.

MOTION: David Trask makes a motion; **SECOND:** Evan Cyr seconds.

“I make a motion to forward a favorable recommendation to city council to amend the official zoning map of the City of Auburn entitled *City of Auburn, Zoning Map, dated May 16, 2016*, revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in this meeting.” **VOTE:** 7-0-0. Motion passes.

4. PUBLIC HEARING/ZONING TEXT AMENDMENT: Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiate by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

Katherine Cook presents the staff report

Evan Cyr will make a recommendation to make a small text change to clarify that the intent is to have the minimum size be above grade.

David Trask asks what the intent is for accessory dwelling units? If it is classified as a single-family home, it should be at least 400 feet above grade

MOTION: Evan Cyr makes a motion to open public comment: **SECOND:** Darren Finnegan seconds.

MOTION: Evan Cyr makes a motion to open public comment: **SECOND:** David Trask seconds.

MOTION: David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

“I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an **accessory dwelling unit**, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions- number two read ‘each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.’” **VOTE:** 7-0-0 motion passes.

Stacey LeBlanc recognizes that Toni Ferraro has arrived but keeps the voting members as is.

5. WORKSHOP/ TEXT AMENDMENT: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Evan brings up the concern that the ordinance cannot compel LAWPC to inspect septic systems and asks for an opinion on that language. We should not have language in the ordinance that the city cannot enforce.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask Seconds.

Eric Cousens suggests a motion which Evan Cyr volunteers: “I make a motion to schedule this as a public hearing with the discussed legal opinion in November,” **VOTE:** 7-0-0. Motion passes.

6. WORKSHOP/ MAP AMENDMENT: Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to

the Low-Density Country Residence (LDCR) zoning district. This map change is to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion **SECOND:** David Trask Seconds.

“I make a motion that we hold a public hearing on this at the next regular meeting.” **VOTE:** 7-0-0 motion passes.

7. WORKSHOP/ MAP AMENDMENT: Consider Changing the Lake Auburn Watershed Boundary to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line which was peer reviewed and agreed upon by FB Environmental Inc, CEI Environmental and Maine Drinking Water Program and recommended by the Lake Auburn Ad-Hoc Group. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Evan Cyr questions why we would need to hold any public hearing to amend the Lake Auburn Watershed Overlay Boundary, because our ordinance states that our map shall match AWD’s map. Eric Cousens answers that because it is a zoning map, they still need to amend it through the planning board and city council process and that in practice the maps do not always match.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds,

“I make a motion that we hold a public hearing on this topic at our next regular planning board meeting contingent upon AWD having made a decision or recommendation and that we be provided with legal counsels justification on the need to do this part rather than follow the strict language within the ordinance,” **VOTE** 7-0-0 motion passes.

8. WORKSHOP/ MAP AMENDMENT: New zone considerations for area outside the new Lake Auburn watershed boundary in the Gracelawn Road/ Mount Auburn Avenue area.

MOTION: Evan Cyr makes a motion; **SECOND:** Paul Jacques seconds.

I’ll make a motion to have a public hearing on this zone change, specifically to change the zone to general business as the November Planning Board meeting,” **VOTE:** 7-0-0 motion passes.

9. PUBLIC COMMENT:

Stephen Beale of 575 Johnson Road comments on Agenda items #7 and #8. He states that the planning

board cannot hold the public hearing to change the zoning in the Gracelawn area from Agriculture and Resource Protection to General Business following the Lake Auburn Watershed Overlay boundary that has not yet been established through public process. He states that the Lake Auburn Watershed Overlay District must be amended before we could begin to consider a zone change.

Stephen Beale also comments on Item #7 that Maine DWP has authority over the Lake Auburn watershed which is under DHHS who has ultimate authority of the Lake Auburn Watershed delineation.

Stephen Beale comments about agenda item #5 that the text amendments must be dealt with as separate agenda items because Auburn's Charter requires that hearing be confined to one subject clearly expressed in the public hearing's title.

John Cleveland of 183 Davis Ave. states that we do not have enough time for the Gracelawn zone change hearing and that it should be moved to December and that there should be one argument and public hearing per subject and each item should be acted on independently.

10. MISCELLANEOUS:

a. Upcoming Agenda Items

All watershed items will come before planning board in November.

11. ADJOURNMENT



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Minutes
November 14, 2023

1. **ROLL CALL:**

Stacey LeBlanc is absent; Paul Jacques will act as meeting Chair. Amanda Guerrette is elevated from associate member for this meeting.

2. **MINUTES:** Review October 10, 2023, meeting minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

MOTION: Evan Cyr makes a motion to approve the October meeting minutes with the addition that Toni Ferrao is added in attendance; **SECOND:** Dave Trask seconds. **VOTE:** 7-0-0 motion passes.

3. **PUBLIC HEARING/TEXT AMENDMENT:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Eric Cousens presents the staff report and offers a presentation.

MOTION: Evan Cyr makes a motion to open the public comment section of the hearing; **SECOND:** David Trask seconds. **VOTE:** 7-0-0 motion passes.

Ben Lounsbury of 505 West Auburn Road states that Chamber mound systems as laid out in Motion I of the staff report, are not the solution and states that there should be no more development in the Lake Auburn watershed.

John Cleveland of 183 Davis Ave is opposed to this agenda item being presented as one item because there are four topics covered. Questions whether new septic design is better and does not believe there will be a net benefit.

Kathy Shaw of Sopers Mill Road, Supervisor for the Water District of Sagadahoc County states her biggest concern is Motion D: elimination of all agricultural uses in the Lake Auburn watershed.

Stephen Beale of 575 Johnson Road believes that this is a massive revision to the AGRP zone to have in one hearing. He first opposed motion D, stating it would ban things like mushroom cultivation and other low-impact agricultural uses in the watershed. Asks why the board does not only change the lot size from 1 unit per acre to 1 unit per three acres.

Bruce Rioux of 157 Fifth Street recalls AWD trustees voting against a septic system design change in 2008. Also speaks in opposition to the possibility of rate payers paying for monitoring. Concerned that citizens with private water supplies will be paying for monitoring efforts for those who use the public water supply.

Bonnie Lounsbury of West Auburn Road speaks in opposition to changing zoning which does not limit the potential for development in the watershed.

Dennis Bergeron of 23 Dexter Ave believes that there is an equity issue if the water customers are paying for the areas that do not receive water in the city. He also opposed motion D because some agricultural uses have big impacts and others do not.

Sharon Bergeron of 23 Dexter Ave believes this is too large of an item to take on in one meeting and we should allow the next council to have an input and take our time.

00:39:45

MOTION: Evan Cyr makes a motion to close public comment; **SECOND:** Toni Ferraro seconds. **VOTE:** 7-0-0 motion passes.

Question: Do all systems get inspected by the city?

Answer: They get inspected during the permitting process by the Code Enforcement Officer planning is working with LAWPC to build an inspection program based on several criteria.

Evan Cyr brings up that people ask about comparative effectiveness of traditional systems. He clarifies that a mounded system allows for the use of soils that provide better effluent treatment.

Discussion around “non-hobby” versus “hobby” agricultural uses. Discussion of directive to restrict expanded clearing, animal waste, and exposed soil that commercial agricultural uses can cause.

LAWPC suspended tree cutting or logging. Only selective timber harvesting can occur in the Lake Auburn watershed.

Toni Ferraro brings up the vote to change septic system that did not pass in 2008 and discusses water quality issues.

Riley Bergeron asks what the reason is to ban non-hobby agricultural uses rather than require review by LAWPC.

Eric Cousens answers that phasing out farms in the watershed will be better for water quality. For repeat offenders who are not following environmental guidelines is to send citations.

Evan Cyr states that LAWPC received recommendation from AWD. LAWPC recommended no new agricultural uses in the watershed

Tim DeRoche asks public to refrain from using comments that hint at any bias on the part of the planning board members.

Discussion about who is responsible for drinking water monitoring and who is and is not a ratepayer. Riley Bergeron states that Lewiston cannot vote in this, and it could make rates go up.

Evan Cyr states that he is in favor of these text changes because they represent a positive step toward better water quality.

Amanda Guerrette inquires whether the Board can make a motion to reevaluate the decision in the future.

David Trask asks if the city can reevaluate if the changes are effective. Eric Cousens affirms.

01:10:45

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown in section 6a of the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)- Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown in section 6 b of the staff report dated November 14th, 2023”. **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile to this section as shown in Section C of the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes. Page 2 of 3

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC’s Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown in section 6d of the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) residential dwellings in the agriculture and resource protection zoning district by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown in section 6e on page 9 of 12 in the staff report dated November 14, 2023.” **VOTE:** 7- 0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown in section 6f beginning on page 9 of 12 and ending on page 10 of 12 in the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown in section 6g on page 10 of 12 in the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change “water district” to “Auburn Water District” as shown in section 6h on page 10 of 12 in the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds. Page 3 of 3 “I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)- private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set of design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of

the overseeing agencies; and deleting original section 60-952 (f) (5) as shown in section 6i beginning on page 10 of 12 and ending on page 11 of 12 of the staff report dated November 14th 2023.” MOTION: Evan Cyr offers an amendment to the motion; SECOND: David Trask seconds. “I would like to make a motion to amend the motion to state that the favorable recommendation be contingent upon council’s adoption of a density standard within the residential portion of the watershed not to exceed 1 unit per 3 acres.” VOTE: 7-0-0 amendment to the motion passes. VOTE: 6-1-0 the motion as amended passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds. “I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown in section 6j beginning on page 11 of 12 and ending on page 12 of 12 of the staff report dated November 14th, 2023.” VOTE: 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text as shown: in section 6k on page 12 of 12 of the staff report dated November 14, 2023.” **VOTE:** 7-0-0 motion passes.

01:23:40

4. **PUBLIC HEARING/ MAP AMENDMENT:** Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Katherine Cook presents the staff report.

MOTION: David Trask makes a motion to open public comment; **SECOND:** Evan Cyr seconds.

No members of the public approach the podium.

MOTION: David Trask makes a motion to close public comment; **SECOND:** Toni Farraro seconds

No Planning Board Discussion.

MOTION: David Trask makes a motion; **SECOND:** Evan Cyr seconds.

“I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence zoning district within the Lake Auburn Watershed to the Low-Density Country Residence zoning district.” **VOTE:** 7-0-0 motion passes.

01:31:10

5. **PUBLIC HEARING/ MAP AMENDMENT:** Consider amending the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Katherine Cook presents the staff report.

MOTION: Evan Cyr makes a motion to open public comment; **SECOND:** Toni Farraro seconds

Stephen Beale of 575 Johnson Rd expressed concern over the process of opening this topic for public discussion since the language in the ordinance states that the Council must adopt the amendment in light of newly discovered information which shows that the current map is not an accurate depiction.

Deb Desjardins of 2768 Turner Road asks for the next council to consider the boundary change and is not in favor of changing the boundary.

Keri Myrick of 1010 Summer Street, who submitted the petition to repeal the Gracelawn zoning in 2022 states that the so-called Gracelawn group does not oppose this boundary change because it is based on scientific findings.

Peggy Volock of 395 North Auburn Road asks of the topography of the Gracelawn area will change, and asks why the city did not evaluate the boundary of the whole watershed, and only this area.

Stephen Beale of 575 Johnson Road states he and the citizen groups concerned about the issue are satisfied with the change.

MOTION: Evan Cyr makes a motion to close public comment; **SECOND:** Toni Farraro seconds

Discussion around how USGS maps do not consider groundwater flow in watershed determination as well as ever changing topography within the pit which will require continued testing and evaluation.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask and Amanda Guerrette second simultaneously.

“I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in the staff report dated November 14th 2023 with subject heading being ‘Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District.’” **VOTE:** 7-0-0 motion passes.

02:01:30

6. **PUBLIC HEARING/ MAP AMENDMENT:** Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by rezoning approximately 60 acres in parts of City Assessor’s Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district. The proposal was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Katherine Cook presents the staff report.

MOTION: Evan Cyr makes a motion to open public comment; **SECOND:** Amanda Guerrette seconds

John Bono of 85 West Auburn Road speaks against the zone change. Implores that the planning board consider what is allowed in the General Business District. Concerned about protecting quality of water in the lake.

Stephen Beale of 575 Johnson Road does not believe that the Board can make the decision to rezone because the watershed boundary has not yet changed and cites the city's public notice requirements. He asks to table this discussion to next month.

Pam Rousseau of 745 West Auburn Road says that on March 21, 2022, council voted to exclude a 100-foot buffer around the parcel. Asks why the city is taking land out of Agriculture and Resource Protection and suggests the city buy the gravel pit from Mr. Gendron to return the land to its natural state.

Dennis Bergeron of 23 Dexter Ave asks if after the zone change, mining would still be happening inside the Lake Auburn watershed.

Bruce Rioux of 85 Mary Carroll Street disagrees with the staff report which indicated that this zoning change is in line with the Comprehensive Plan because this proposed zone change extends well beyond the 500-foot area along Gracelawn Rd.

John Cleveland of 183 Davis Ave references the 100-foot buffer around the landfill and states that the city needs access to maintain it. Asks to table this decision.

Bob Hayes of 172 Auburn Ave asks to consider a zone that is less intensive than T-4.2B

Mike Gotto states that his client, JIG Aggregates LLC has 108 acres, 100 of which are being mined. Implies that pit can continue to be mined but owner wants to use it for a higher and better use.

02:33:45

MOTION: David Trask makes a motion to close public comment; **SECOND:** Amanda Guerrette seconds

Discussion: Staff answers that after the zone change, there could still be some mining in the watershed. Eric Cousins clarified that this proposed zone change is in-line with the Comprehensive Plan. Staff clarifies that two discussions, one of the watersheds change and the other of the zone change following a proposed watershed boundary can happen simultaneously and independent of each other.

Amanda Guerrette asked if continuing to mine the site is more environmentally detrimental than potential General Business zoning-approved uses. Staff shared that the thought of continuing to blast into bedrock below the water table does have more risk than a vegetative developed site with built-in engineered stormwater controls.

Riley Bergeron cannot make assumptions that the stated plan of the owner will come to fruition. Instead, he must assume that any allowed use in General Business may be able to occur. Suggests changing the zone to Suburban Residence zoning district instead.

Evan Cyr replies that the gravel pit can operate forever unless the owner has a great enough incentive to change.

MOTION: David Trask makes a motion; **SECOND:** Amanda Guerrette second.

“I’m going to make a motion that we recommend to the council that we support the proposed changes to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings: The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone. The proposed new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc., CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new proposed adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill and that the proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.” **VOTE:** 6-1-0 motion passes.

02:57:03

7. **PUBLIC HEARING/ MAP AMENDMENT:** Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor’s Parcel ID 174-004-001 from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. This parcel is located on Riverside Drive. This zoning amendment has been initiated via petition and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Eric Cousens presents the staff report.

The Board discusses and wants to see another map and questions whether the petition- initiated map amendment constitutes a spot zone. The Board asks to workshop three lots and hear from legal about whether the proposal constitutes a spot zone.

MOTION: Evan Cyr makes a motion to open public comment; **SECOND:** David Trask seconds.

Stephanie of 703 South Witham Rd. Asks about the topography and asks to not remove more land from the AGRP district.

MOTION: Evan Cyr makes a motion to close public comment; **SECOND:** Riley Bergeron seconds

MOTION: Riley Bergeron makes a motion; **SECOND:** Evan Cyr seconds

I make a motion to table this item to a date certain after staff receives legal review and offers another map option to consider.

8. MISCELLANEOUS:

Staff reviews upcoming agenda items with the Planning Board.

9. ADJOURNMENT



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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PLANNING BOARD Meeting December 12, 2023 – 6:00 p.m. City Council Chambers, 60 Court Street

1. ROLL CALL:

Present: Riley Bergeron, Amanda Guerrette, Dave Trask, Paul Jacques, Evan Cyr, Tim DeRoche, Toni Ferraro.

Stacey LeBlanc and Darren Finnegan are absent so Tim DeRoche and Amanda Guerrette will be elevated to full members for the duration of the meeting.

2. MINUTES: Review November 14, 2023 Minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

Motion to approve the Minutes from November 14, 2023: Evan Cyr; **second:** Tim DeRoche. **VOTE** 7-0-0 motion passes.

3. PUBLIC HEARING/ MAP AMENDMENT: Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor’s Parcel ID 174-004-001, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. This zoning amendment has been initiated via petition and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

John Blais presents staff report. Addresses the concerns of spot zoning from the previous meeting and shares that this zoning change generally aligns with the Comprehensive Plan. Evan Cyr has a question about spot zoning and wondering if legal counsel has weighed in on this item. Eric Cousins clarifies that the current use is different from the surrounding area and this change will bring it in line with the surrounding area, so the change is not creating spot zoning. Board and staff discuss the legal requirements of the petition which states that this proposed zone change be discussed in a public hearing.

Motion to open public comment: Paul Jacques; **second:** Dave Trask. **VOTE** 7-0-0 motion passes.

Kathy Shaw – 1200 Sopers Mill Rd – speaks in opposition. Supports protecting open space and protecting natural resources.

Pam Rousseau - 745 West Auburn Rd – speaks in opposition.

Motion to close public comment: Paul Jacques; **second:** Dave Trask. **VOTE** 7-0-0 motion passes.

Board Discussion: Evan Cyr agrees with staff that the Comprehensive Plan recommends residential development along Riverside Dr but feels that the Board needs to consider this proposed change further as it does not seem to align with the intention of the Comprehensive Plan. Dave Trask inquires about when a discussion of the Comprehensive Plan will take place. Tim DeRoche states that one could argue that these parcels have already been subject to spot zoning by keeping them as AGRP and converting them to LDRR (RR) would right a wrong.

Motion: Evan Cyr makes a motion to table item and initiate a review of Comprehensive Plan’s future land map to ensure this change does align with the intentions of the Comprehensive Plan; **Second:** Tim DeRoche; **VOTE:** 6-1-0 Motion Passes.

00:19:40

4. **PUBLIC HEARING/ CONTINUANCE:** Consider granting a variance to continue a former lawfully nonconforming home with a new apiary at 170 Penley Corner Road, City Assessor's Parcel I.D. 137-030. This proposal is pursuant to Chapter 60, Article IV, Division 2- Agriculture and Resource Protection District, and Sec. 60-79 (5).

John Blais provides staff report.

Board and staff members discuss the intended use and whether it meets the defined use of the agricultural zone. Staff says that they didn't feel "a few beehives" met the agricultural zoning standards and would require Planning Board consideration to build a non-confirming residential home on this parcel. Evan Cyr and staff provide clarify that this topic relates to a continuance of non-conformance, not approving a variance as the wording in the agenda suggests.

Motion: Dave Trask makes motion to open public comment; **second:** Amanda Guerrette; **VOTE:** 7-0-0

Stephen Beal – 575 Johnson Rd – Speaks opposed and says that rather than seeking a continuance, this applicant is seeking a new, non-confirming use.

Kathy Shaw – 1200 Sopers Mill Rd – Speaks opposed and says that this application is just a request to build a residence and there may be some concerns about soil contamination in that area.

Roger Gauthier – 336 S. Witham Rd – Speaks in favor of some non-confirming use. He owns many acres in the area which he farmed for years but feels that requiring agricultural uses hurts his ability to be able to sell the land.

Chris Carson – Jacques Rd – speaks in favor of gaining more clarity on standards for what qualifies as an apiary.

John Cleveland – 183 Davis Ave – speaks opposed and says that non-confirming use has been discontinued for too long. States that new use application has not followed the proper protocol for notifying the board or the public and asks for the board to table this topic for the time.

Chelsea Eaton – 576 Trapp Rd – speaks opposed and argues that agricultural use standards require further clarification.

Motion: Dave Trasks makes a motion to close public comments; **second:** Amanda Guerrette; **VOTE:** 7-0-0

Board Discussion: Evan Cyr asks for clarifying information about period of non-use and "abandonment". Katherine Cook and Eric Cousins provide clarity that non-confirming use is considered to expire after 12 months of non-use and because it has been more than 12 months since the property has been used in a non-confirming manner, that now Board review is the proper process for granting or denying the non-confirming extension.

Motion: Tim DeRoche makes a motion to decline (amended working to "not approved") a residential home at 170 Penley Corner Rd because of non-use for more than a 12-month period; **Second:** Riley Bergeron; **VOTE:** 1-6-0. Motion does not carry.

Board discussion continues and members seek clarification regarding the application and other revisit other concerns over use and protection of natural resources.

Motion: Riley Bergeron makes a motion to not approve a residential home at 170 Penley Corner Rd. due to non-conformance to zoning; **Retracted:** Riley Bergeron

Eric Cousins provides clarity on a suggested action based on findings of Site Plan review in the Objective paragraph of section 60-1277.

Motion: Riley Bergeron makes a motion to not approve a residential home at 170 Penley Corner rd due to site plan standards in section 60-1277 subsection 4: “Protection of environmental features of the site”; **Second:** Tim DeRoche; **VOTE: 2-5-0** Motion does not carry.

Evan Cyr posits that it is not necessary to provide a continuance of the variance for non-confirming use because this lot is able to be a conforming residential lot with a site plan that can meet zoning standards.

Motion: Dave Trask makes a motion to approve a residential home at 170 Penley Corner Rd; **Second:** Toni Ferraro; **VOTE: 5-2-0.** Motion Passes.

01:25:30

5. **PUBLIC HEARING/ SITE PLAN REVIEW/ SPECIAL EXCEPTION:** Trillium Engineering Group is proposing a 16,950 square foot warehouse addition to their existing warehouse and office building at 353 Riverside Drive, City Assessor’s Parcel I.D. at 202-005. This proposal is pursuant to Chapter 60, Article IV, Division 12- General Business District, Article XVI, Division 2- Site Plan Review; and Division 3- Special Exception; and Article XIII, Division 2-Floodplain Overlay District.

Katherine Cook provides staff report. Staff recommends that the Planning Board approves the site plan with conditions.

Eric Dube from Trilliam Engineering Group is present to answer questions.

Evan Cyr inquires about an easement for a future sidewalk versus building and extending a sidewalk as part of the development. Eric Dube indicates that based on the location of the business, they do not anticipate pedestrian foot traffic and the cost to the developer to build a sidewalk will make the cost prohibitive to the expansion. John Blais explains that this project is something that both planning and community development departments have supported this plan with the right of way for any future growth and expansion of the sidewalk.

Dave Trask inquires how many jobs this expansion will create within the city. Joe Tardif, the business owner, shares that they began with 7 employees, they currently have 10 staff members and have enough orders to add another 8 staff positions with this expansion.

Motion: Paul Jacques makes a motion to open public comment; **Second:** Toni Ferraro; **VOTE: 7-0-0** Motion passes.

Joe Tardif- 353 Riverside Dr – Speaks in support of the expansion and explains that the company’s resources need to be allocated toward their working capital rather than expansion of the public sidewalks.

Motion: Paul Jacques makes a motion to close public comment; **Second:** Amanda Guerette; **VOTE: 7-0-0** Motion passes.

Board Discussion: Evan Cyr supports the projects and feels that the applicants have demonstrated sufficient evidence against constructing a sidewalk as part of this plan.

Motion: Tim DeRoche makes a motion to approve a 16,950 square foot warehouse addition to their existing warehouse and office building at 353 Riverside Drive, City Assessor's Parcel I.D. at 202-005 and waives the requirements of Sec. 46-182 (6) of Auburn's Code of Ordinances with the following conditions:

- a. No development activity shall occur until any bonding or inspection fees are determined by the Auburn Engineering Department.
- b. All appropriate permits are received prior to the start of construction.
- c. Provide an updated site plan showing a sidewalk-right of way and sidewalk detail prior to the issuance of the Certificate of Occupancy.

Second: Amanda Guerette **VOTE:** 7-0-0 Motion passes.

01:46:00

6. **PUBLIC HEARING/ SITE PLAN REVIEW/ SPECIAL EXCEPTION:** American Development Group, LLC is seeking approval to a Site Plan Revision to Phase 2 of their Stable Ridge project located at 555 Court Street, City Assessor's Parcel I.D. 229-007. The proposed revision consists of converting the single-story barn to a two-story multi-use barn with garage/ storage space, leasing office, and four apartments. This item is pursuant to Chapter 60, Article IV Division 14- Form Based Code; Division 2- Site Plan Review; and Division 3- Special Exception.

Katherine Cook provides staff report. Staff recommend approval of site plan update.

Board asks how many people are employed by Stable Ridge apartments.

Jessica Klimeck, the Developer, is present to answer questions and explains that there are 8 employees as part of American Development Group. The tenants at Stable Ridge apartments have expressed wanting on-site staff 24/7 and this change to the plan will allow for staff to be on site to support the tenants and give staff living space away from the tenant's housing. It will also provide storage for maintenance equipment.

Motion: Evan Cyr makes a motion to open public comment; **Second:** Toni Ferraro; **VOTE:** 7-0-0 Motion passes.

Elizabeth Dunn – 530 Court Street – Speaks opposed. Expresses that building a 2-story building rather than a 1-story building will have a large visual impact and mentions that many units in the Stable Ridge apartments are being rented out through Airbnb which does not align with the initial mission of relieving some of the low housing supplies for residents.

Ryan Smith – 14 Weaver St – Speaks opposed. Sites traffic hazards created by this development and concerned over even a slight increase of traffic because of this site plan change.

Motion: Evan Cyr makes a motion to close public comment; **Second:** Toni Ferraro; **VOTE:** 7-0-0 Motion passes.

Board Discussion: With relation to Airbnb activity, there is no ordinance limiting that activity and these short-term rental options are bringing people to Auburn and providing supplemental staffing to hospitals in the area. If

residents have concerns over safety about traffic and roadways, they should bring these concerns to the mayor's office. Plans for traffic improvements on Court Street are in the works and the city is trying to maximize the funding options available for making those improvements and the city has a temporary striping solution slated for summer of 2024 until a permanent fix can be constructed. John Blais encourages the board to speak with the Transportation Director to learn more about plans for capital improvements of transportation throughout the city.

Motion: Tim DeRoche makes a motion to approve the Revision to Phase 2 of ADG's Stable Ridge project located at 555 Court Street, City Assessor's Parcel I.D. 229-007. The proposed revision consists of converting the single-story barn to a two-story multi-use barn with garage/ storage space, leasing office, and four apartments with the following conditions:

- a. All appropriate permits are received prior to the start of construction.

Second: Toni Ferraro; **VOTE:** 5-2-0 Motion passes.

02:27:00

7. **EXTENSION:** BWC Gulf Island Pond, LLC, is requesting a one-year extension of the Site Plan approval for the project referred to as the Auburn Solar Project located at 224 East Waterman Road, City Assessor's Parcel I.D. 393-010. The Planning Board will review the extension request under Sec. 60-1308 of the City of Auburn's Code of Ordinances- Expiration of Approval.

Katherine Cook provides staff report.

Motion: Evan Cyr makes a motion to approve a one-year extension, until December 13, 2024, granted to BWC Gulf Island Pond, LLC under Sec. 60-1308. All conditions of the Letter of Approval included in this packet apply; **Second:** Toni Ferraro; **VOTE:** 7-0-0 Motion passes.

8. **WORKSHOP/ UPCOMING ZONING DISCUSSIONS:** Review possible zoning text and map amendments for future consideration. These include initiating zoning map amendments near Vickery Road and in East Auburn near Andrew Drive. Also consider possible amendments to Chapter 60 of the City of Auburn's Code of Ordinances to comply with LD 2003.

Katherine Cook provides prompts for some items from the past few months that have been tabled and should be revisited in the coming months. John Blais encourages the board to prioritize LD 2003 as we will need to comply with State Law. Evan Cyr recommends an ad hoc committee to discuss LD 2003 with staff members. Dave Trask and Evan Cyr would like to revisit zoning map amendments by Andrew Drive as well.

Evan Cyr asks if staff can provide an accounting on the Comprehensive Plan implementation and what we have accomplished/addressed thus far and what is still something that needs to be considered.

Motion: Evan Cyr makes a motion to create an ad hoc committee consisting of two Planning Board members to review LD 2003 and areas where it conflicts with current zoning ordinances; **Second:** Riley Bergeron; **VOTE:** 7-0-0 Motion passes.

9. **PUBLIC COMMENT:**

No public present to comment.

10. **MISCELLANEOUS:**

Upcoming Agenda Items

Eric Cousins reports that the City has a larger transportation plan to implement changes from Minot Ave along Court Street to Union St.

Legal training will take place January 16th.

Thanks to Toni Ferraro for your service on this board.

11. **ADJOURNMENT**

Motion Evan Cyr makes a motion to adjourn; **Second:** Toni Ferraro: **VOTE: 7-0-0** Meeting adjourns.

Auburn Planning Board meetings can be viewed LIVE on the City of Auburn YouTube channel (<https://www.youtube.com/c/CityofAuburnMaine>), and on Great Falls Television (Spectrum Cable Channel 11) when they are held.

Following live broadcasts, Planning Board meetings are *rebroadcast* at 7:00AM, noon, and 7:00PM on Tuesdays on GFTV and are available anytime on our YouTube channel.